

State of Maryland
State Labor Relations Board

In the matter of:)	
Kenneth John Moroz,)	
)	
Petitioner,)	
)	SLRB ULP Case No. 2017-U-06
v.)	
)	
Baltimore County Public Schools,)	
)	
Respondent.)	

Board Dismissal for Lack of Jurisdiction

On October 13, 2016, Petitioner Kenneth John Moroz, employed at the Baltimore County Public School System, filed a complaint before the State Labor Relations Board (SLRB, Board), pursuant to COMAR 14.32.05. In his complaint, Mr. Moroz alleges that the above named Respondent had not placed him into a Building Operations Supervisor position, for which he had placed a transfer request six months earlier. Mr. Moroz also alleges that he followed all protocol and procedure in requesting the transfer, and further, that the American Federation of State, County & Municipal Employees' (AFSCME) Master Contract also states that all current employees requesting a transfer will be given priority. Mr. Moroz states that he requested this transfer in May of 2016, as well as in October of 2016, and the result has been the same at both requests; i.e., that he hasn't been given priority (as he is a current employee) in the transfer request. Mr. Moroz alleges that the way his transfer request has been handled is in violation of the AFSCME Master Agreement. As relief, Mr. Moroz is requesting to be placed in the Building Operations Supervisor position immediately.

Mr. Moroz's complaint is deficient in that the State Labor Relations Board does not have jurisdiction over those employed by the Baltimore County Public School System. The SLRB functions under Maryland's Collective Bargaining law, found at State Personnel & Pensions Article, Title 3, sections 101 – 602. Section 3-102 discusses the applicability of the Collective Bargaining Law, and in particular, at Section 3-102(b)(8), it states that this law does not apply to "an employee who is entitled to participate in collective bargaining under another law." As an employee of the Baltimore County Public School System, Mr. Moroz is entitled to participate in collective bargaining under the Education Article, found in Maryland Code, Title 6, sections 4 and 5. That law is administered through the Public School Labor Relations Board, and Mr. Moroz may file a complaint through that Board.

For the above reasons, this matter is dismissed.

Issue Date: November 29, 2016
Annapolis, Maryland

For The State Labor Relations Board:



Edward J. Gutman, Chair



Sherry L. Mason, Member



Doris S. Mason, Member



LeRoy A. Wilkison, Member

APPEAL RIGHTS

Any party aggrieved by this action of the SLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).