

State of Maryland
State Labor Relations Board

In the matter of:)	
Larry E. Jackson, Jr.,)	
)	
Petitioner,)	
)	SLRB ULP Case No. 2017-U-05
v.)	
)	
AFSCME Counsel 67, Local 1859,)	
Jerome Damon, President,)	
)	
Respondent.)	

Board Dismissal for Lack of Jurisdiction

On October 5, 2016, Petitioner Larry E. Jackson, Jr., formerly employed as a police officer for the Maryland Transit Administration (MTA), filed a complaint before the State Labor Relations Board (“Board”), pursuant to COMAR 14.32.05. In his complaint, Mr. Jackson alleged that the above named Respondent had unfairly and inequitably represented Mr. Jackson, and participated in targeting and intimidation of Mr. Jackson. Mr. Jackson provides multiple examples of these actions throughout a period of years, spanning from 2000 through the present year. Mr. Jackson alleges that the actions and behaviors of the respondent resulted in his failure to be promoted, his being under paid, and his being improperly removed from a task force. As relief, Mr. Jackson is requesting the removal of President Damon from office, back wages, as well as punitive damages due to the harassment from President Damon and from union members in general.

Mr. Jackson’s complaint is deficient in that the State Labor Relations Board does not have jurisdiction over those employed by the MTA. State Personnel & Pension Article §3-102(b)(1) states:

- (b) This title does not apply to:
 - (1) Employees of the Maryland Transit Administration, as that term is defined in §7-601(a)(2) of the Transportation Article.

The Transportation Article referenced here indicates that employees are “those employees who are validly represented by an accredited representative.” The Article continues, providing information about labor concerns and dispute management and resolution procedures. Petitioner may be permitted to seek relief under the procedures outlined in the Transportation Article, *see*, for example, Section 7-602 – “Arbitration in labor disputes.” The SLRB is limited by statutory provisions, and cannot provide the relief sought by Mr. Jackson.

Accordingly, this complaint is dismissed, because of lack of Board jurisdiction to consider the complaint.

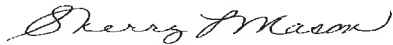
Issue Date: November 7, 2016

Glen Burnie, 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).