

State of Maryland
State Labor Relations Board

In the matter of:)	
)	
<i>Matthew Daniel, et al.,</i>)	
)	
Petitioners,)	
)	SLRB Case No. 2018-U-07
v.)	SLRB Case Nos. 2018-U-11 through -23
)	
<i>Maryland Professional Employees</i>)	
<i>Council, AFT, AFL-CIO Local 6197,</i>)	
)	
Respondents.)	
)	

**DECISION AND ORDER DENYING REQUEST FOR RELIEF AND
DISMISSING UNFAIR LABOR PRACTICE COMPLAINTS**

I. Introduction and Procedural Background

On November 15, 2017, and pursuant to State Labor Relations Board (“SLRB”) Regulations at COMAR 14.32.05, Matthew Daniel filed an Unfair Labor Practice Complaint (“Complaint”) against the Maryland Professional Employees Council, AFT, AFL-CIO Local 6197 (“MPEC Local 6197”). In his Complaint, Mr. Daniel alleges that MPEC Local 6197 violated Sections 3-306(b)(5) and (6) of the State Personnel and Pensions Article of the Annotated Code of Maryland.

On December 11, 2017, MPEC Local 6197 filed a response (“Response”) to Mr. Daniel’s Complaint.

On December 21, 2017, Mr. Daniel requested that the SLRB permit him to amend his Complaint. The SLRB granted Mr. Daniel’s request, and on February 14, 2018, Mr. Daniel filed an amended Complaint.

On February 26, 2018, David Thomas, Michael Schultz, Melissa Stocker, Eugene Sprout, William Porter, Carey Franklin, James McNeill, Rosemary Matlak, Lawrence Grasso, Donna White, Willie Brown, Iris Hall, and Michael Garza (collectively, with Mr. Daniel, the “Complainants”) each filed Unfair Labor Complaints against MPEC Local 6197.

On March 8, 2018, MPEC Local 6197 filed a response to Mr. Daniel’s amended Complaint.

On March 27, 2018, MPEC Local 6197 responded to the additional Complaints filed on February 26, 2018. Included in its responses, MPEC Local 6197 requested that these additional Complaints, along with Mr. Daniel's amended Complaint, "be consolidated for all further proceedings...."

On May 14, 2018, SLRB Executive Director Erica Snipes issued an Investigative Report & Recommended Determination. No exceptions to the Investigative Report and Recommended Determination were filed.

II. Factual Background

This matter arises out of a job reclassification at the Maryland Lottery and Gaming Control Agency ("MLGCA") that occurred prior to the MLGCA's hiring of Complainants. Following the reclassification, and on behalf of the reclassified employees, MPEC Local 6197 initiated the Dispute Resolution Procedure outlined under the Memorandum of Understanding ("MOU") between MPEC Local 6197 and the MLGCA, alleging that the reclassified employees were not paid in accordance with the MOU, and more specifically, that they were entitled to a 6% pay increase as a result of the reclassification. Ultimately, the State, through the Department of Budget and Management, proposed a settlement agreement to resolve the dispute between the MLGCA and reclassified employees. The Complainants were not part of the Dispute Resolution Procedure, nor were they included as parties in the proposed settlement agreement because the disputed reclassification occurred prior to their employment.

III. Positions of the Parties

As noted above, Complainants assert that MPEC Local 6197 violated Sections 3-306(b)(5) and (6) of the State Personnel and Pensions Article. More specifically, Complainants assert that MPEC Local 6197 violated Section 3-306(b)(5) by "refusing to bargain in good faith" with the MLGCA. In addition, Complainants assert that MPEC Local 6197 violated Section 3-306(b)(6) because MPEC Local 6197 "failed to represent... [them] in 'good faith' in investigating, drafting, and submitting a settlement proposal to the employer for the aforementioned 6% pay increase."

In response, MPEC Local 6197 asserts that Complainants have failed to state a claim for which relief can be granted, and seeks dismissal of all Complaints.

IV. Analysis

In reviewing Case Nos. 2018-U-07 and 2018-U-11 through -23, the SLRB finds that the Complaints filed in each of these matters involve common questions of both law and fact. Therefore, pursuant to the authority granted to it under COMAR 14.32.02.13, the SLRB hereby grants MPEC Local 6197's request to consolidate Case Nos. 2018-U-07 and 2018-U-11 through -23.

As noted above, Complainants assert that MPEC Local 6197 has violated Sections 3-306(b)(5) and (6) of the State Personnel and Pensions Article.

Section 3-306(b)(5) and (6) state that “Employee organizations and their agents or representatives are prohibited from engaging in any unfair labor practice, including:...(5) refusing to bargain in good faith; or (6) not fairly representing employees in collective bargaining or in any other matter in which the employee organization has the duty of fair representation.”

The evidence provided by Complainants does not support a finding that MPEC Local 6197 either refused to bargain in good faith, or failed to fairly represent Complainants in collective bargaining or in any other matter in which the employee organization has the duty of fair representation. As a result, the Complaints with regard to Section 3-306(b)(5) and (6) must be dismissed.

V. Conclusions of Law

For the reasons stated herein, we conclude that MPEC Local 6197 did not violate Sections 3-306(b)(5) or (6) of the State Personnel and Pensions Article.

VI. Order

IT IS HEREBY ORDERED THAT SLRB CASE NOS. 2018-U-07 and 2018-U-11 through -23 BE DISMISSED.

Issue Date: January 11, 2019

BY ORDER OF THE STATE LABOR RELATIONS BOARD:



Richard A. Steyer, Chair



Mark A. Gardner, Vice-Chair



LeRoy A. Wilkison, Member



Doris S. Mason, Member



Nancy J. Courson, Member

APPEAL RIGHTS

Any party aggrieved by this action of the Board may seek judicial review in accordance with Title 10 of the State Government Article, Annotated Code of Maryland, Section 10-222, and Maryland Rule 7-201, *et. seq.*