

State of Maryland
State Labor Relations Board

_____)	
In the matter of:)	
Andraya Kent,)	
)	
Petitioner,)	
)	SLRB Case No. 20-U-03
v.)	
)	
USPS/APWU,)	
)	
Respondent.)	

Board Dismissal for Failure to State a Claim under Board Law or Regulations,
Lack of Jurisdiction & Lack of Proper Service of Complaint

On December 17, 2019, Petitioner Andraya Kent (“Kent”) filed an unfair labor practice complaint before the State Labor Relations Board (“Board”), pursuant to COMAR 14.32.05. In her complaint, Kent alleges that since she began her employment with Respondent, USPS/APWU, she has not received breaks except lunch, and frequently lunch breaks are not provided even though the time for lunch is automatically taken from employee time. Further, Kent states that after she was put on emergency placement due to being assaulted by a carrier, she was not put back to work due to the Union President and Vice President not responding to her complaint in a timely manner. She missed May 24 through June 19, 2018, although the carrier who assaulted her was back to work right away without consequence. Since returning to work, Kent alleges that she has filed multiple complaints about her hours being taken and RCA’s crossing crafts, but later found out that those complaints were never filed as grievances by Union leadership. Kent states that from January 5, 2019 through June 2019, has been the victim of sexual harassment which she reported to her supervisors who did nothing. Additionally, Kent alleges that she has been kicked out of her office by her supervisor and another employee whom she alleges were discriminating against her due to her mental disability. Kent alleges that she has felt unsafe at work and has been advised to file for restraining orders, but she states that her supervisor says she cannot file for these restraining orders because he is her boss. Kent alleges she has reported all of these problems to management and union representatives as soon as the problems occurred, but both union and management have done nothing. Kent states that she has been denied mileage reimbursement from June 2018 through June 2019. Further, Kent alleges constant bullying over the last year and half.

As remedy for the multiple allegations in her complaint, Kent requests as relief the payment of lost wages and money owed through grievance processes, and the

removal of the various employees that have discriminated against her, and failed to follow workplace policies of non-violence and zero tolerance. Kent also feels this remedy is appropriate because she is alleging that union membership has failed to represent her as a member.

Kent's complaint is deficient in that she fails to demonstrate that she is an employee of any of the units of State government described in State Personnel & Pension Article §3-102(a). Further, Kent fails to allege any violation as defined in State Personnel & Pensions Article, §3-306. Finally, Kent has not demonstrated proper service of this complaint based on COMAR 14.32.05.02B, requiring service by certified mail, return receipt requested.

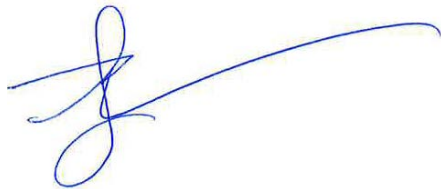
Accordingly, this complaint is dismissed due to lack of Board jurisdiction to consider the complaint, and improper service.

Issue Date: January 23, 2020

For The State Labor Relations Board:



Richard A. Steyer, 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.*