

State of Maryland
State Higher Education Labor Relations Board

In the matter of:)	
<i>Gloria Jean Johnson,</i>)	
)	
)	
Petitioner,)	
)	SHELRB ULP 2019-03
v.)	
)	
<i>Charlene Gray, President,</i>)	
<i>AFSCME Local 1870 (BCCC),</i>)	
)	
Respondent.)	
)	

DECISION AND ORDER

On November 14, 2018, Petitioner, Gloria Jean Johnson filed with the State Higher Education Labor Relations Board (SHELRB) an Unfair Labor Practice Complaint (ULP) against Charlene Gray, President of the American Federation of State, County and Municipal Employees (AFSCME), Local 1870.

Ms. Gray did not file a response to Ms. Johnson’s ULP.

Pursuant to State Personnel and Pensions Article, Annotated Code of Maryland, § 3-2A-07(a), the SHELRB, through its Executive Director, may investigate a “possible violation of this title, or any regulation adopted under it; and (2) any other relevant matter.” In accordance with § 3-2A-07(a), the Executive Director conducted an investigation, and on August 20, 2019, issued her Investigative Report & Recommended Determinations for consideration by the SHELRB.

The SHELRB has considered the Executive Director’s Investigative Report and Recommended Determinations, and adopts the Executive Director’s recommendation contained therein, as modified and set forth below.

According to Ms. Johnson’s ULP, Ms. Johnson received a suspension letter on May 22, 2018, and was transferred on June 6, 2018. On June 7, 2018, Ms. Gray filed a grievance on Ms. Johnson’s behalf challenging the transfer, and a meeting with Human Resources was scheduled for June 22, 2018.

COMAR §14.30.07.04A addresses the timeliness of unfair labor practice allegations.

More specifically, this section states:

A party alleging an unfair labor practice may request relief from the Board by filing a petition with the Executive Director, within 90 days of knowledge of the occurrence, under the procedures set forth in COMAR 14.30.11 except as otherwise modified by this regulation.

As indicated above, Ms. Johnson filed the ULP on November 14, 2018. Therefore, in order to be timely, the alleged unfair labor practice must have occurred within the 90 day period leading up to that date – i.e., August 16, 2018 or after. Because the allegations contained in Ms. Johnson’s ULP occurred well before August 16, 2018, we uphold the Executive Director’s recommendation that Ms. Johnson’s ULP be dismissed as untimely.

FOR THE STATE HIGHER EDUCATION LABOR RELATIONS BOARD

A handwritten signature in blue ink that reads "Karl K. Pence". The signature is stylized and cursive.

Karl K. Pence, Chair

Annapolis, MD

November 20, 2019

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.*, Maryland Rules of Practice and Procedure.