

State of Maryland
State Higher Education Labor Relations Board

In the matter of:)	
<i>American Federation of State,</i>)	
<i>County & Municipal Employees,</i>)	
)	SHELRB ULP Case No. 2007-05
Petitioner)	
)	
v.)	
)	
<i>The University of Baltimore,</i>)	
)	
Respondent)	
)	

DENIAL OF REQUEST FOR RECONSIDERATION OF PROBABLE CASE REPORT AND
DISMISSAL OF UNFAIR LABOR PRACTICE CHARGE

Upon consideration of AFSCME’s Motion for Reconsideration of the Executive Director’s Finding of No Probable Cause, the State Higher Education Labor Relations Board hereby denies said Motion. The purpose of the probable cause investigation is to weed out unsupported Unfair Labor Practice (ULP) charges from supported charges, and only permit the latter to proceed to hearing. After conducting a probable cause investigation of AFSCME’s charge, the Executive Director concluded that the alleged charge lacked sufficient support. We find that the Executive Director’s determination is well reasoned and supported by the documents produced by the parties during the probable cause investigation.

In its Motion for Reconsideration, AFSCME appears to be arguing that since the election was stayed based on the filing of the ULP charge, the Executive Director is obligated to issue a probable cause finding. AFSCME ignores the fact that the Executive Director is to investigate the allegations in the Charge, obtain a response and any evidence from the Respondent University, consider the submissions of both parties, and then make a probable cause finding. The purpose for staying of the election is to enable the investigation and determination to proceed. It is not a probable cause determination on the underlying charge.

Moreover, since this was a blocking charge that resulted in a stay of the election pending its resolution, the Board finds that it was proper for the Executive Director to apply a more stringent standard in reviewing the charge and evidentiary submissions. AFSCME’s Request for Reconsideration offers no new evidence, legal argument or any other basis bringing into question the soundness of the Executive Director’s determination. Without such, we do not see any basis for overturning the probable cause finding and proceeding to hearing on this matter.

ORDER

IT IS HEREBY ORDERED THAT:

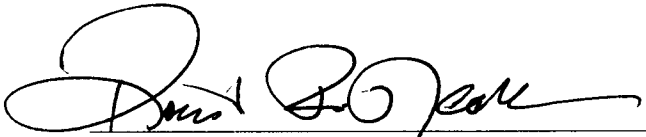
AFSCME's Motion for Reconsideration of the Executive Director's Finding of No Probable Cause is hereby denied.

IT IS FURTHER ORDERED THAT:

The Decertification Election has been validly petitioned for, and the election should be planned and scheduled forthwith.

BY ORDER OF THE STATE HIGHER EDUCATION LABOR RELATIONS BOARD
Annapolis, MD

June 4, 2007

A handwritten signature in black ink, appearing to read "Robert R. Neall", written over a horizontal line.

Hon. Robert R. Neall, Chairman

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 MD R CIR CT Rule 7-201 et seq.