

State of Maryland
State Higher Education Labor Relations Board

In the matter of:)	
Tyrone Q. Lawson,)	
)	
Petitioner)	
)	SHELRB ULP Case No. 08-01
)	
v.)	
)	
Bowie State University,)	
)	
and)	
)	
Mickey Burnim, President,)	
Bowie State University,)	
)	
and)	
)	
Artie Travis, Vice President)	
Student Affairs & Campus Life,)	
)	
Respondents)	
)	

Administrative Dismissal for Failure to State a Claim under the Maryland
State Collective Bargaining Law or Regulations

On September 7, 2007, Tyrone Q. Lawson, Petitioner, filed an Unfair Labor Practice complaint before the State Higher Education Labor Relations Board (SHELRB) pursuant to COMAR § 14.30.07. On September 10, 2007, Mr. Lawson filed a brief amendment to this complaint. In the complaint, Mr. Lawson asserted that Bowie State University (Bowie State) improperly disciplined him, in retaliation for his decision to expose unlawful conduct within the police department. Mr. Lawson further asserts, that Bowie State and the additional named Respondents (in their official as well as personal capacities) have violated his First Amendment rights under the United States Constitution, his rights under the Maryland Whistleblower Law (MD House Bill 706, passed during the MD General Assembly 2007 Session), the University System of Maryland bylaws as well as Bowie State University rules and regulations.


Mr. Lawson filed this complaint with the Maryland Secretary of the Department of Budget and Management, T. Eloise Foster, as well as with the SHELRB. Mr. Lawson argues that the SHELRB has jurisdiction over this matter, as the Board has:

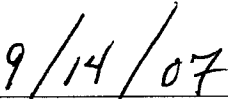
direct jurisdiction under the Annotated Code of Maryland, State Personnel and Pensions Article, Title 3, subtitle 2A-07, a statute that grants the board to investigate a possible violation of Title 3 or any regulation adopted under it; and any other relevant matter.

Complaint, as amended, at p. 3.

Although Mr. Lawson correctly asserts SHELRB's jurisdictional authority, the complaint fails to state an unfair labor practice claim based on State Personnel and Pension Article §3-301 and §3-306(a)(1)-(9). Mr. Lawson's allegations, although admittedly serious, do not assert a violation of the collective bargaining law. More specifically, the complaint fails to state unlawful conduct in relation to Mr. Lawson's union membership or collective, concerted conduct.

Accordingly, this complaint is administratively dismissed because of failure to state a claim under which the SHELRB can grant relief.


Erica L. Snipes, Executive Director
State Labor Relations Boards
Higher Education Labor Relations Board


September 14, 2007