

State of Maryland
State Higher Education Labor Relations Board

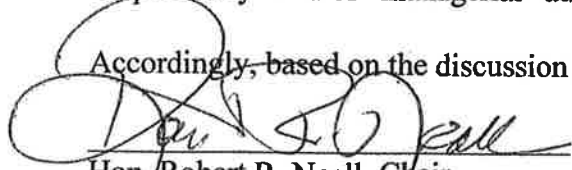
In the matter of:)	
Thomas D. Luten,)	
)	
)	SHELRB ULP Case No. 11-04
Petitioner,)	
)	
v.)	
)	
Baltimore City Community College,)	
)	
)	
Respondent)	

Board Dismissal for Lack of Jurisdiction

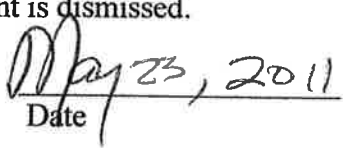
This matter comes before the State Higher Education Labor Relations Board (“the Board” or “SHELRB”) as the result of Petitioner, Thomas D. Luten filing an unfair labor practice Complaint on April 19, 2011, pursuant to COMAR 14.30.07.01 and 14.30.07.02. In his Complaint, Mr. Luten asserted that he was employed as the Director of Student Life, Career Services, Wellness and Transfer at Baltimore City Community College (BCCC), and that BCCC terminated his employment and is refusing to pay the annual leave Mr. Luten alleges that he earned from the beginning of his employment. Mr. Luten alleges that he has attempted on a number of occasions to communicate about this issue with BCCC, but he has been given no response to his inquiries.

This Complaint is dismissed for the reason that the Petitioner, as the Director of Student Life, Career Services, Wellness and Transfer, is excluded from coverage under the State Collective Bargaining Statute (State Personnel & Pensions Article, Title 3-Collective Bargaining, Sec. 3-102 (Applicability) (b)(a)(i), (ii), (v), (11)), in that his position was not only probationary, but that of an “administrator,” in a position of “supervisory” and or “managerial” authority.

Accordingly, based on the discussion above, this complaint is dismissed.



Hon. Robert R. Neall, Chair
MD State Higher Education Labor Relations Board
On behalf of the Board


Date

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.*