

State of Maryland
State Higher Education Labor Relations Board

In the matter of:)	
Stewart Philip McClain,)	
)	
)	SHELRB ULP Case No. 11-05
Petitioner,)	
)	
v.)	
)	
University of Maryland, College Park,)	
)	
)	
Respondent)	

Board Dismissal for Lack of Jurisdiction & Failure to State A Claim Upon Which Relief
May be Granted

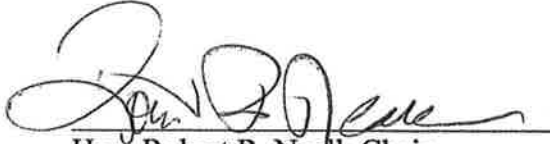
This matter comes before the State Higher Education Labor Relations Board (“the Board” or “SHELRB”) as the result of Petitioner, Stewart Phillip McClain filing an unfair labor practice Complaint on April 25, 2011, pursuant to COMAR 14.30.07.01 and 14.30.07.02. In his Complaint, Mr. McClain states that he had been employed by Triton Security Services of Fairfax, Virginia and assigned to the University of Maryland College Park (UMCP). Mr. McClain asserted that his employer, Triton Security Services, terminated his employment as a result of an incident occurring at the UMCP campus, regarding which Mr. McClain claims he took no improper actions as a security officer and was in fact himself the victim of physical assault by a UMCP student. Mr. McClain claims that he was not provided with written notice of the charges made against him, nor granted a hearing in regards to any charges made against him prior to his termination from Triton Security Services acting, Mr. McClain alleges, as an agent of UMCP.

As relief, Mr. McClain is seeking back pay (with interest), an admission of fault by the respondent and his agent, and a statement of eligibility for rehire by the respondent’s agent.

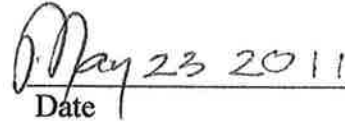
This Complaint is dismissed for the reason that the Petitioner is not an employee of the State of Maryland; therefore the Collective Bargaining Statute does not apply. Even assuming, *arguendo*, that Mr. McClain was jointly employed by UMCP and Triton Security Services, which does not appear to be the case, the Complaint is dismissed for the reason that Mr. McClain fails to allege grounds that constitute an Unfair Labor

Practice under Section 3-306, Title 3, State Personnel & Pensions Article, Collective Bargaining Law.

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.*