

State of Maryland
State Labor Relations Board

In the matter of:)	
Don C. Newport, III.,)	SLRB ULP Case No. 12-U-08
)	
Petitioner,)	
)	
v.)	
)	
Robert Burley, on behalf of)	
Amalgamated Transit Union,)	
Local 1300,)	
)	
Respondent.)	

Board Dismissal for Lack of Jurisdiction

On May 31, 2012, Petitioner Don C. Newport, III., filed a complaint before the State Labor Relations Board (“Board”), pursuant to COMAR 14.32.05. In his complaint, Mr. Newport alleged that the above named Respondent had failed to represent him regarding a policy that he alleged would bring him retroactive pay to a point in time when he was employed by the Maryland Transit Administration (MTA).

Petitioner’s complaint is deficient in that the State Labor Relations Board does not have jurisdiction over those employed by the MTA. State Personnel & Pension Article §3-102(b)(1) states:

- (b) This title does not apply to:
 - (1) Employees of the Maryland Transit Administration, as that term is defined in §7-601(a)(2) of the Transportation Article.

The Transportation Article referenced here indicates that employees are “those employees who are validly represented by an accredited representative.” The Article continues, providing information about labor concerns and dispute management and resolution procedures. Petitioner may be permitted to seek relief under the procedures outlined in the Transportation Article, *see*, for example, Section 7-602 – “Arbitration in labor disputes.” The SLRB is limited by statutory provisions, and cannot provide the relief sought by Mr. Newport.

Accordingly, this complaint is dismissed, because of lack of Board jurisdiction to consider the complaint.

Should there be issues of payment of wages owed, Petitioner may contact the Maryland Department of Labor, Licensing, and Regulation (DLLR) at the following address and phone

number:

Maryland Department of Labor, Licensing & Regulation
500 N. Calvert Street, #401
Baltimore, MD 21202
(410) 230-6001

If there are any further questions regarding the above, please feel free to contact Joseph K. Pokempner, Esq., the Assistant Attorney General for the State Labor Relations Board. He may be reached at (410) 576-6962.

Issue Date: June 11, 2012

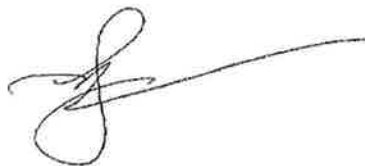
Glen Burnie, Maryland
For The State Labor Relations Board:

 June M. Marshall, Chair

 Sherry L. Mason, Member

 Laird D. Patterson, Member

 Susie C. Jablinske, Member

 LeRoy A. Wilkison, Member

APPEAL RIGHTS

Any party aggrieved by this action of the SLRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).