

3. On August 2, 1996, AFSCME filed an Unfair Labor Practice petition with the Public Employment Relations Board alleging violations of 14 Del.C. Sections 4004(a)(1), (a)(2) and (a)(5).
4. On August 14, 1996, AFSCME filed an Amended Unfair Labor Practice petition correcting its earlier violation citations from 14 Del.C. to violations of 19 Del.C. Sections 1304(a), and 1307(a)(1), (a)(2) and (a)(5).
5. On August 28, 1996, DSU filed its Answer to AFSCME's Amended Petition and requested AFSCME's petition be dismissed. DSU alleged that the Public Employment Relations Board ("PERB") lacked jurisdiction because the University was not a public employer as defined by 19 Del.C. Section 1302(n).
6. The processing of the Unfair Labor Practice Charge was held in abeyance pending a decision from the Delaware Court of Chancery as to whether DSU was a "public employer" within the meaning of Section 1302(n) of the Public Employment Relations Act.
7. In DSU v. DSU Chapter AAUP, C.A. No. 1329K, Vice Chancellor Strine (May, 2000), the Court of Chancery found that DSU was a public employer.
8. The actions complained of in this charge occurred during contract negotiations in 1996 and relate to DSU's FY 1997 budget. There has no activity in this matter since the Court of Chancery held DSU to be a public employer.

9. By letter dated June 6, 2001, PERB notified the parties that the matter would be dismissed if a request to reactivate the charge was not received by June 22, 2001.

No request has been filed.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

/s/Deborah L. Murray-Sheppard
Deborah L. Murray-Sheppard
Principal Assistant
Public Employment Relations Board

Date: July 16, 2001