

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE CORRECTIONAL OFFICERS)
ASSOCIATION, THOMAS J. LIGHTHALL, and)
JAMES A. FRITSCH,)
Charging Parties.)

v.)

ULP No. 00-02-275

STATE OF DELAWARE, DEPARTMENT)
OF CORRECTION, PATRICK CIRWITHIAN)
and AVERY HARMON,)
Respondents.)

ORDER

On January 25, 2001, the Public Employment Relations Board ("Board") heard the above-captioned matter and rendered an oral decision relating to the unfair labor practice charge. At the hearing and prior to the final written decision being issued by the Board, the staff of the Board notified the Board members that the entire record, inadvertently, was not forwarded to them prior to its January 25, 2001 hearing. Thereafter, the Board sought legal advice concerning the lack of a complete record.

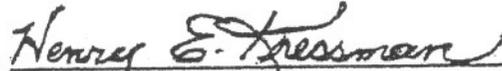
On May 1, 2001, after giving the parties notice, the Board, sua sponte, met to address the issue of the lack of the record prior to the rendering of the oral decision of January 25, 2001. Douglas B. Catts, Esq., who represents the Delaware Correctional Officers Association, and Jerry M. Cutler, Esq., the representative for the Respondents, were present at the May 1, 2001 hearing. Neither party offered any statement concerning the lack of a complete record from the January 25, 2001 hearing. Both parties expressed

their positions about the composition of the Board at any subsequent hearing on this matter that would include the complete record.

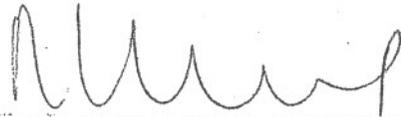
Pursuant to Regulation 7 of the Rules and Regulations of the Public Employment Relations Board, the Board can hold a hearing in connection with its review of the Executive Director's decision and such hearing shall be conducted in accordance with the regulation. Moreover, Regulation 7 also provides that an official record shall be made of all decisions and formal hearings.

WHEREFORE, after hearing the statements from the parties, the Board hereby vacates its oral decision of January 25, 2001. Moreover, pursuant to Regulation 7, the matter will be heard on May 15, 2001 wherein the Board members will have been provided the complete record.

IT IS SO ORDERED this 11th day of May, 2001.



Henry E. Kressman
Chair



R. Robert Currie, Jr.
Member



Elizabeth Daniello Maron, Esq.
Member

¹ For the limited purpose of this hearing, Member Maron was selected as Acting Chair.