

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE CORRECTIONAL OFFICERS	)	
ASSOCIATION (“DCOA”)	)	
	)	
Charging Party	)	
	)	
	)	
v.	)	
	)	<u>ULP NO. 01-07-325</u>
	)	
STATE OF DELAWARE, DEPARTMENT	)	
OF CORRECTION (“DOC”)	)	
	)	
Respondent.	)	

**ORDER OF DISMISSAL**

1. DELAWARE CORRECTIONAL OFFICERS ASSOCIATION (“DCOA”) is an employee organization within the meaning of 19 Del. C. Section 1302(i) of the Public Employment Relations Act, and the exclusive bargaining representative within the meaning of 19 Del.C. Section 1302(j), of Correctional Officers. <sup>1</sup>
2. STATE OF DELAWARE, DEPARTMENT OF CORRECTION (“DOC”) is a public employer within the meaning of the Public Employment Relations Act, 19 Del. C. Section 1302(p).
3. On July 16, 2001, DCOA filed an Unfair Labor Practice Charge with the Public Employment Relations Board (“PERB”), and amended and refiled the charge on July 24, 2001. The charge, as amended, alleged violations of 19 Del.C. Sections 1307(a)(2)and

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<sup>1</sup> At the time this charge was filed, DCOA was the exclusive bargaining representative of State of Delaware, Department of Correction correctional officers. On June 12, 2002, DCOA was decertified as the

- (a)(3) by DOC when it filled correctional officer vacancies with graduates from the training academy who remain in the positions until completion of their probationary period and become members of the Association.
4. On August 2, 2001, DOC filed its Answer to the Unfair Labor Practice Charge and New Matter.
  5. On August 8, 2001, DCOA filed its Reply to the State's Answer and New Matter.
  6. On August 20, 2001, PERB issued a Probable Cause Determination, deferring the matter to the parties' contractual grievance procedure and finding that, pending the issuance of an arbitration decision, there was no reason to believe an unfair labor practice had occurred.
  7. On June 12, 2002, DCOA was decertified as the exclusive bargaining representative of Delaware Department of Correction correctional officers.
  8. By letter dated January 29, 2003, PERB advised the parties that the unfair labor practice charge would be dismissed if a request to reactivate the matter was not received by February 14, 2003.
  9. Neither party has requested reactivation of the charge, and there has been no activity in this matter for more than sixteen (16) months.

**WHEREFORE**, this Charge is hereby dismissed, with prejudice.

**IT IS SO ORDERED.**

*/s/Charles D. Long, Jr.*  
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CHARLES D. LONG, JR.  
Executive Director  
Public Employment Relations Board

**DATED:** 28 February 2003

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exclusive bargaining representative of these employees and another union, Correctional Officer Association of Delaware ("COAD") was certified to represent the bargaining unit of correctional officers.