

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE CORRECTIONAL OFFICERS)	
ASSOCIATION (“DCOA”))	
)	
Charging Party)	
)	
)	
v.)	
)	<u>ULP NO. 01-10-328</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.¹

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).

¹ 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 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.

3. On October 15, 2001, DCOA filed an Unfair Labor Practice Charge, alleging DOC violated 19 Del.C. Section 1307(a)(1) and (a)(2) by failing to process employee drug testing according to terms negotiated and set forth in the collective bargaining agreement between the parties.
4. On October 24, 2001, the State filed its Answer to the Unfair Labor Practice charge, denying the allegations therein and setting forth New Matter.
5. On November 2, 2001, Charging Party filed its Reply to New Matter.
6. An informal conference was held on December 11, 2001 to discuss the parties' respective positions regarding the processing of the charge.
7. Also on December 11, 2001, but following the informal conference, a Stipulation of Agreement was drafted, holding the charge in abeyance for a period not to exceed forty-five (45) days.
8. Settlement discussions were believed to be ongoing despite the fact that the Stipulation between the parties had not been executed by both parties.
9. On February 25, 2002, PERB offered hearing dates in order to help expedite the process.
10. On June 12, 2002, DCOA was decertified as the exclusive bargaining representative of Delaware Department of Correction correctional officers.
11. By letter dated January 29, 2003, the parties were advised that the unfair labor practice charge would be dismissed if a request to reactivate the matter was not received by February 14, 2003.

12. Neither party has requested reactivation of the charge, and there has been no activity in this matter for over eleven (11) months.

WHEREFORE, this Charge is hereby dismissed, with prejudice.

IT IS SO ORDERED.

/s/Charles D. Long, Jr.

CHARLES D. LONG, JR.
Executive Director
Public Employment Relations Board

DATED: 28 February 2003