GRANTED
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Transaction ID 26515244
Case No. 4040-VCS

IN THE COURT OF CHANCERY OF THE STATE

STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY, DIVISION OF STATE POLICE,	)	
Appellant, Cross-Appellee,	)	C.A. No. 4040-VCS
v.	)	
DELAWARE STATE TROOPERS ASSOCIATION,	)	
Appellee, Cross-Appellant.	)	

STIPULATION OF DISMISSAL

WHEREAS, the parties each filed appeals of the Public Employment Relations Board's Order dated September 4, 2008 (ULP No. 08-05-624) dismissing both of their respective unfair labor practice charges on the grounds that the charges were not filed timely;

WHEREAS, the State of Delaware, Department of Safety and Homeland Security, Division of State Police (the "State") unfair labor practice charge alleged that the Delaware State Troopers Association (DSTA) impermissibly bargained to impasse over a nonmandatory subject of bargaining involving the creation of a First Sergeant position; and

WHEREAS the DSTA unfair labor practice charge alleged that the State impermissibly refused to bargain over a mandatory subject of bargaining involving the DSTA's First Sergeant proposal; and

WHEREAS, the parties have agreed to dismiss the instant appeals without prejudice, subject to the agreement that the State does not waive its right to assert, in any subsequent proceeding, that bargaining to impasse over the creation of a new position constitutes impermissible bargaining to impasse over a nonmandatory subject of bargaining in violation of 19 *Del.C.* §1605, 19 *Del.C.* §1305 or other provision of law which provides that a public employer is not required to engage in collective bargaining on matters of inherent managerial policy and conversely subject to the agreement that the DSTA does not waive its right to assert, in any subsequent proceeding, that its

First Sergeant proposal did not create a new position and as such was a mandatory subject of bargaining to which the State was required to engage in collective bargaining; and

WHEREAS, the parties further agree that the dismissal of their appeals shall not constitute a waiver or admission of any kind in any matter or proceeding separate from the instant proceedings before the Court, and shall have no precedential effect with regard to the subject matter of the parties' claims and any other pending or future bargaining, administrative or legal proceeding.

IT IS HEREBY STIPULATED AND AGREED by and between the parties, the State and the DSTA, through their respective counsel, that the above-referenced appeals are hereby dismissed without prejudice.

STATE OF DELAWARE
DEPARTMENT OF JUSTICE

/s/ Ilona M. Kirshon
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Dated: 8/10/09

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Attorney for DSTA

Dated: 8/10/09

IT IS SO ORDERED, this _____ day of _____, 2009.

_____
V.C.St rine