

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMALGAMATED TRANSIT UNION, LOCAL 842,	:	
	:	
Charging Party,	:	
v.	:	<b>Unfair Labor Practice</b>
	:	
STATE OF DELAWARE, DELAWARE ADMINISTRATION	:	<b><u>Charge 10-04-740</u></b>
FOR REGIONAL TRANSIT/ DELAWARE TRANSIT	:	
CORPORATION,	:	
	:	
Respondent.	:	

**ORDER OF DISMISSAL**

1. The State of Delaware (“State”) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act (“Act”), 19 Del.C. Chapter 13 (1994). The Delaware Area Regional Transit/Delaware Transit Corporation (“DART/DTC”) is an agency of the State.

2. The Amalgamated Transit Union Local 842 (“ATU”) is an employee organization within the meaning of §1302(i) of the Act and the exclusive bargaining representative within the meaning of §1302(j) of the Act of two bargaining units of DART/DTC employees.

3. On or about April 27, 2010, ATU Local 842 filed an unfair labor practice charge alleging that the DART/DTC violated 19 Del.C. §1307(a)(1) and/or (5), <sup>1</sup> by

<sup>1</sup> 19 Del.C. §1307(a): It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter.
- (5) Refuse to bargain collective in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.

unilaterally issuing a directive prohibiting “all bargaining unit employees from using all cellular telephones along with other cellular or electronic devices, including but not limited to, hands free devices, blue-tooth devices, cellular phone earpieces and cellular phone headsets when operation a DART revenue or nonrevenue vehicle.”

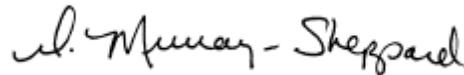
4. On or about May 6, 2010, the State filed its Answer denying all material allegations of the Charge. It further asserted under New Matter that the Charge was untimely and that ATU failed to present sufficient evidence to sustain its Charge.

5. By letter dated May 20, 2010, ATU Local 842 requested to withdraw its Charge

**WHEREFORE**, the Charge is hereby dismissed.

**IT IS SO ORDERED.**

DATE: May 31, 2010



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DEBORAH L. MURRAY-SHEPPARD  
Executive Director  
Del. Public Employment Relations Bd.