

**STATE OF DELAWARE**  
**PUBLIC EMPLOYMENT RELATIONS BOARD**

<b>AMALGAMATED TRANSIT UNION, LOCAL 842</b>	)	
	)	
<b>Charging Party,</b>	)	
	)	
<b>v.</b>	)	<b><u>ULP No. 12-02-850</u></b>
	)	
<b>STATE OF DELAWARE, DELAWARE TRANSIT CORPORATION,</b>	)	<b>Order of Dismissal</b>
	)	
<b>Respondent.</b>	)	

**ORDER OF DISMISSAL**

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

2. The Amalgamated Transit Union (“ATU”) is an employee representative within the meaning of §1302(i) of the PERA. By and through its affiliated Local 842, the ATU is the exclusive bargaining representative of Paratransit Drivers employed by DTC, within the meaning of §1302(j), of the Act.

3. The ATU and DTC are parties to a collective bargaining agreement with a term of July 1, 2008 through August 31, 2010. They are currently engaged in a binding interest arbitration proceeding for the purpose of establishing the terms of a successor agreement. The terms of the 2008 – 2010 agreement remained in effect for all times relevant to the processing of this Charge.

4. On or about February 6, 2012, ATU filed an unfair labor practice charge alleging DTC violated §1307 (a)(5) and/or (a)(6) of the Act, by failing or refusing to provide information which was necessary for the ATU to perform its representational responsibilities.

5. On or about February 15, 2012, the State filed its Answer to the Charge, including New Matter, denying it had violated the PERA, as alleged.

6. On or about February 23, 2012, the ATU filed its Response, denying the New Matter.

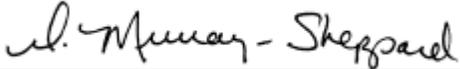
7. On or about May 8, 2012, a Probable Cause Determination was issued by the Public Employment Relations Board, directing that a hearing be convened to receive evidence and argument. Pursuant to that Order, a hearing was scheduled and noticed for June 22, 2012. Prior to the scheduled hearing, the parties mutually requested the hearing be postponed to allow them to explore settlement options.

8. By email dated November 16, 2012, the ATU advised PERB that the State had satisfied the union's information request on which the Charge was premised, and requested to withdraw the Charge.

**WHEREFORE, this unfair labor practice charge is hereby dismissed.**

**IT IS SO ORDERED.**

Date: November 30, 2012

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