

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMALGAMATED TRANSIT UNION, LOCAL 842)	
)	
Charging Party,)	
)	
v.)	<u>ULP No. 12-04-862</u>
)	
STATE OF DELAWARE, DELAWARE TRANSIT CORPORATION,)	Order of Dismissal
)	
Respondent.)	

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 “all hourly rated Operating and Maintenance employees” of 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 April 9, 2012, ATU filed an unfair labor practice charge alleging DTC violated §1307 (a)(1), (2), (3), (5), (6) and (7) of the Act.

5. On or about April 19, 2012, the State filed its Answer to the Charge, including New Matter.

6. On or about April 27, 2012, the ATU filed its Response to New Matter.

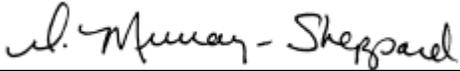
7. On or about March 15, 2013, a Probable Cause Determination was issued by the Public Employment Relations Board, directing that a hearing be convened to receive evidence and argument. Pursuant to that Order, a hearing was scheduled and noticed for April 22, 2013.

8. By email dated April 10, 2013, the State's representative provided notice that the parties had successfully negotiated a resolution to the underlying Charge. The email included a copy of the settlement agreement, executed by representatives of ATU Local 842 and of DTC, dated April 9 and 10, 2013.

WHEREFORE, this unfair labor practice charge is hereby dismissed and the hearing scheduled for April 22, 2013 is cancelled.

IT IS SO ORDERED.

Date: April 11, 2013


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