



**State of Delaware**  
**Public Employment Relations Board**  
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<p><b>SUSSEX TECH EDUCATION ASSOCIATION,</b> )</p> <p style="padding-left: 100px;"><b>DSEA/NEA,</b> )</p> <p style="padding-left: 150px;">Charging Party, )</p> <p style="padding-left: 100px;">v. )</p> <p><b>SUSSEX TECHNICAL SCHOOL DISTRICT</b> )</p> <p style="padding-left: 100px;"><b>BOARD OF EDUCATION,</b> )</p> <p style="padding-left: 150px;">Respondent. )</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b><u>ULP No. 14-08-970</u></b></p> <p><b>Decision on the Pleadings</b></p>
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<b>NOTICE OF DETERMINATION</b>
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1. The Sussex Tech Education Association, DSEA/NEA (“STE”) is an employee organization within the meaning of §4002(h) of the Public School Employment Relations Act, 14 Del.C. Chapter 40 (“PSERA”). STE is the exclusive bargaining representative of the certificated, non-administrative professional employees of the Sussex Technical School District - (“District”) within the meaning of §4002(i) of the PSERA.

2. The Sussex Technical School District is a public school employer within the meaning of §4002(q) of the PSERA.

3. STE and the District are parties to a current collective bargaining agreement which has a term of August 15, 2011 through August 14, 2016. The negotiated agreement includes a grievance procedure in Article 9.

4. The grievance procedure is a mandatory subject of bargaining. Unilateral changes to the status quo of a mandatory subject of bargaining constitutes a per se violation of the PERA.

5. The pleadings are sufficient to support a finding that the District’s unilaterally

modified the negotiated grievance procedure by attempting to process the contractual question of application of bumping rights through an alternative statutory procedure constitutes a unilateral change to the contractual grievance procedure and a violation of 14 Del.C. §4007(a)(5).

**WHEREFORE, SUSSEX TECHNICAL SCHOOL DISTRICT IS ORDERED TO TAKE THE FOLLOWING AFFIRMATIVE STEPS:**

- A) Cease and desist immediately from violating §4007(a)(5) of the Public School Employment Relations Act;
- B) Cease and Desist immediately from processing Young's grievance contesting the District's application of the contractual reduction in force provision of Article 7 of the parties' negotiated collective bargaining agreement by its agent hearing officer appointed by the Board of Education pursuant to Title 14 Ch. 14 of the Delaware Code;
- C) Immediately post the Notice of Determination in all areas where notices affecting employees in the bargaining unit represented by Sussex Tech Education Association are normally posted and in the District's Administrative Offices. These notices shall remain posted for at least thirty (30) days in order to provide to all affected employees of the decision in this matter.
- D) Notify the Public Employment Relations Board within thirty (30) calendar days of the date of this decision of all steps taken to comply with this Order.

Dated: September 11, 2014



Charles D. Long, Jr., Hearing Officer  
Del. Public Employment Relations Board  
Del. Public Employment Relations Bd.

*This Notice must remain posted for a period of thirty (30) days.*