



**State of Delaware**  
**Public Employment Relations Board**  
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STATE OF DELAWARE, DEPARTMENT OF HEALTH AND	)	
SOCIAL SERVICES, DIVISION OF DEVELOPMENTAL	)	
DISABILITIES SERVICES (DHSS/DDDS),	)	Representation Petition
	)	<u>No. 16-08-1077</u>
and	)	
	)	<b>MODIFICATION:</b>
AMERICAN FEDERATION OF STATE, COUNTY, AND	)	<b>THERAPIST III</b>
MUNICIPAL EMPLOYEES, COUNCIL 81, AFL-CIO,	)	Stockley Center
LOCAL 3514.	)	

**NOTICE OF DISMISSAL OF MODIFICATION PETITION**

The State of Delaware filed a petition to modify the existing unit definition for the bargaining unit currently represented by AFSCME Local 3514 to exclude the Therapist III working at the Stockley Center, asserting the position meets the 19 Del.C. §1302(s) supervisory exclusion.

AFSCME objected to the exclusion of the Therapist III position from the LU 3514 bargaining unit.

Following a hearing in which documentary and testimonial evidence and argument were received, the following determination was made:

Based upon the record created by the parties and the specific circumstances unique to this case, the modification petition filed by the State to remove a single Therapist III position from representation under Merit Unit 6 and AFSCME Local 3514 is denied because it is inconsistent with the requirements and rights of employees under 19 Del.C. §1311A and §1310. Further the position does not meet the regulatory threshold criteria set forth in PERB Rule 3.4(8) for modifying a bargaining unit definition.

**WHEREFORE, this petition is hereby dismissed and the Therapist III position working at the Stockley Center remains a bargaining unit employee represented by AFSCME Local 3514.**

A copy of the decision can be found on the PERB website, on the “2017 Decisions” page: <http://perb.delaware.gov/decisions/decisions2017.shtml>.

*Deborah L. Murray-Sheppard*

Deborah L. Murray-Sheppard  
 Executive Director, PERB

DATED: April 28, 2017