



**State of Delaware**  
**Public Employment Relations Board**  
 4<sup>th</sup> Floor, Carvel State Office Building  
 820 N. French Street  
 Wilmington, Delaware 19801

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**DELAWARE DEPT. OF HEALTH AND SOCIAL SERVICES, :**  
**DIVISION OF DEVELOPMENTAL DISABILITIES :**  
**SERVICES, (DHSS/DDDS). :**  
 :  
 :  
**and :** **REP. PET. NO. 16-08-1077**  
 :  
**AMERICAN FEDERATION OF STATE, COUNTY, AND :**  
**MUNICIPAL EMPLOYEES, COUNCIL 81, AFL-CIO, :**  
**LOCAL 3514, :**

**NOTICE OF REPRESENTATION HEARING – Clarification**

**Therapist III – Stockley Center**

The State of Delaware has asserted DHSS/DDDS *THERAPIST III* employees working at the Stockley Center in Georgetown are statutory supervisors within the meaning of 19 Del.C. §1302(s) and are therefore ineligible for representation under the Public Employment Relations Act, 19 Del.C. Chapter 13.

In order to create a record on which a determination can be made, a public hearing will be conducted by the Public Employment Relations Board for the purpose of receiving evidence on the following issue:

**WHETHER THE THERAPIST III POSITION(S) WORKING FOR DHSS/DDDS AT THE STOCKLEY CENTER ARE “SUPERVISORY EMPLOYEES” WITHIN THE MEANING OF 19 DEL.C. §1302, WHICH STATES IN RELEVANT PART,**

“(s) "Supervisory employee" means any employee of a public employer who has the authority, in the interest of the public employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such actions, if the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment.”

(o) "Public employee" or "employee" means any employee of a public employer except...

(7) Supervisory employees of the public employer, provided however, that any supervisory position in a bargaining unit deemed to be appropriate prior to September 23, 1994, shall so continue, unless said unit is decertified in accordance with § 1311(b) of this title, or is modified in accordance with procedures authorized by § 1310(e) of this title.

**DATE: Monday, October 17, 2016**  
**TIME: 10:00 a.m.**  
**PLACE: PERB Hearing Room**  
**4<sup>th</sup> Floor, Carvel State Office Building**  
**820 N. French Street**  
**Wilmington, Delaware 19801**

*Deborah L. Murray-Sheppard*

DATED: September 20, 2016

DEBORAH L. MURRAY-SHEPPARD  
 PERB Executive Director