

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY	:	
AND MUNICIPAL EMPLOYEES, AFL-CIO,	:	
LOCAL 439,	:	
	:	
Petitioner,	:	
	:	Review of P.E.R.B. Decision
v.	:	<u>U.L.P. No. 95-08-150 A</u>
	:	
UNIVERSITY OF DELAWARE,	:	
	:	
Respondent.	:	

After careful review of the record, including the submissions of the parties generated by the Request for Review, we conclude that the Executive Director erred in dismissing the charge for lack of probable cause to believe that an unfair labor practice may have occurred. The charge was dismissed because all of the alleged incidents, except for the wage increase, occurred outside of the ninety (90) day statute of limitations established by PERB Regulation 5.2(d). As the Rules and Regulations had not been made applicable to the Public Employment Relations Act, 19 DeI.C. Chapter 13 (1994), at the time the charge was dismissed, Regulation 5.2(d) cannot serve as the basis for the dismissal.

Consequently, we are remanding this matter to the Office of the Executive Director and ordering that a hearing be held on the merits of the charge.

IT IS SO ORDERED.

/s/Henry E. Kressman
HENRY E. KRESSMAN, Acting Chair

John D. Daniello
JOHN D. DANIELLO, Member

DATED: January 29, 1996