

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL EMPLOYEES,
COUNCIL 81, LOCAL 1607,

Petitioner,

v.

NEW CASTLE COUNTY,

Respondent.

U.L.P. No. 96-11-199A

[Probable Cause Determination]

DECISION ON APPEAL FROM PROBABLE CAUSE DETERMINATION

On February 7, 1997, the Petitioner Appellant, American Federation of State, County and Municipal Employees, Council 81, Local 1607, filed a timely appeal to the decision of the Executive Director in the above-captioned case. Pursuant to notice, a hearing of the Public Employment Relations Board was held on Monday, March 3, 1997, convening at 10:00 a.m.

Upon consideration of the record on appeal, and receiving as well the argument of counsel for both appellant and respondent, the following decisions were reached:

1. Paragraph one of the Appellant's Motion to reverse paragraph one of the Executive Director's decision is tabled so that the underlying dispute may be deferred to arbitration. In this, all members of the Board concur.
2. The Appellant's Motion to reverse paragraph two of the Executive Director's decision is tabled in order to allow the underlying dispute to be deferred to arbitration. In this, all members of the Board concur.

3. Paragraph three of the Executive Director's decision is affirmed. In this, Chairman Kressman and Member Maher concur. Member Daniello would deny or dismiss finding there to be no need for evidentiary hearing.
4. Appellant's Motion to strike the Executive Director's answer of February 25, 1997, is granted. In this, all members of the Board concur.
5. Appellee's Motion to strike portions of the Notice of Appeal is denied. In this, all members of the Board concur.

IT IS SO ORDERED.

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

/s/John D. Daniello
JOHN D. DANIELLO, Member

/s/James F. Maher
JAMES F. MAHER, MEMBER

Dated: March 6, 1997