

**STATE OF DELAWARE**  
**PUBLIC EMPLOYMENT RELATIONS BOARD**

AMERICAN FEDERATION OF STATE, COUNTY AND	:	
MUNICIPAL EMPLOYEES, COUNCIL 81,	:	
LOCALS 879, 1036, AND 1443,	:	
	:	
Charging Party,	:	
	:	
v.	:	<u>U.L.P. No. 98-04-230</u>
	:	
STATE OF DELAWARE, DEPARTMENT OF	:	
TRANSPORTATION,	:	
	:	
Respondent.	:	

**ORDER OF DISMISSAL**

1. The American Federation of State, County and Municipal Employees (“AFSCME”), Council 81, is an employee organization within the meaning of §1302(H) of the Public Employment Relations Act, 19 Del.C. Chapter 13. AFSCME Local 879, 1036, and 1443 are the exclusive bargaining representatives, within the meaning of 19 Del.C. §1302(i), of certain employees of the State of Delaware Department of Transportation, Division of Highway Operations, assigned to work sites in New Castle, Kent and Sussex Counties.

2. The Department of Transportation of the State of Delaware (“DelDOT”) is a public employer within the meaning of 19 Del.C. §1302(n).

3. On April 23, 1998, AFSCME filed an unfair labor practice charge alleging DelDOT had violated 19 Del.C. §1307(a)(1), (a)(2), (a)(3) and (a)(6), by its selection and transportation of bargaining unit employees for random drug and alcohol testing.

4. The PERB Hearing Officer issued a Probable Cause Determination on May 20, 1998. A Decision on the Preliminary Issue of Timeliness was issued on August 14, 1998.

5. A hearing was convened on November 13, 1998, during which the Charging Party stated DeIDOT had ceased the complained of practice and that the parties are engaged in discussions and meetings to resolve the underlying issue. On this basis, the Charging Party requested to withdraw the Charge, without prejudice.

**WHEREFORE**, this Charge is hereby dismissed without prejudice.

**IT IS SO ORDERED.**

/s/ Charles D. Long, Jr.  
**CHARLES D. LONG, JR.**  
Executive Director/ Hearing Officer  
Del. Public Employment Relations Bd.

Issued: 25 November 1998