

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMALGAMATED TRANSIT UNION,)	
LOCAL 842,)	
Petitioner,)	
v.)	<u>ULP No. 03-06-394</u>
STATE OF DELAWARE, DELAWARE)	
ADMINISTRATION FOR REGIONAL)	
TRANSIT/DELAWARE TRANSIT)	
CORPORATION,)	
Respondent.		

Order of Dismissal

The Amalgamated Transit Union, Local 842 ("ATU" or "Local 842") is an employee organization within the meaning of Section 1302(i) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (1994) ("PERA" or "ACT"). Local 842 is the exclusive bargaining representative of hourly-rated operating and maintenance employees of the Delaware Administration for Regional Transit ("DART"), within the meaning of Section 1302(j) of the Act.

DART is a subsidiary of the Delaware Transit Corporation ("DTC") which is an agency of the State of Delaware ("State") and constitutes a public employer within the meaning of Section 1302(p) of the Act.¹

On June 27, 2002, Local 842 filed an unfair labor practice charge alleging that by unilaterally rescinding the no-fault attendance/perfect attendance recognition policy without first bargaining with the Union, the State violated Sections 1307(a)(1) and (a)(5) of the PERA.²

¹ The Delaware Authority for Regional Transit ("DART") was created by the Delaware General Assembly in 1969 as a provider of public transit. In 1994 the General Assembly created the Delaware Transit Corporation (DTC) to oversee DART and the operation and management of the public transit system within Delaware. Currently, DTC is responsible for overseeing bus service along fixed routes throughout the State(Now "DART First State").

DECISION

During the course of the September 16, 2003, prehearing conference in this matter, the State committed to reinstating the DART Attendance Program, inclusive of the no-fault attendance and perfect attendance recognition policies, as set forth in P89-94. As a result, this policy shall be appended to and shall become a part of the current collectively bargaining agreement between DART/DTC and ATU Local 842, which is effective through November 30, 2007.

Consequently, the allegations of this charge are now moot and this unfair labor practice charge is therefore dismissed.

IT IS SO ORDERED.

October 15, 2003
(Date)

/s/Charles D. Long, Jr.
CHARLES D. LONG, JR., Executive Director
Delaware Public Employment Relations Bd.

² 19 Del.C. Section 1307, Unfair Labor Practices provides, in relevant part:

(a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter.
- (2) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.