

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

CHRISTINE JONES,)	
)	
)	
Charging Party)	
)	
)	
v.)	
)	<u>ULP NO. 04-08-446</u>
STATE OF DELAWARE, DEPARTMENT OF)	
HEALTH & SOCIAL SERVICES,)	
)	
Respondent.)	

ORDER OF DISMISSAL

1. Christine Jones (“Jones” or “Charging Party”) is a public employee within the meaning of 19 Del. C. Section 1302(o) of the Public Employment Relations Act (“PERA”).
2. State of Delaware, Department of Health and Social Services (“State”) is a public employer within the meaning of 19 Del.C. Section 1302(p) the Public Employment Relations Act, (“PERA” or “Act”).
3. On or about August 12, 2004, Charging Party initially filed this unfair labor practice charge alleging that by denying her application to participate in an educational program in retaliation for her having filed a grievance the State violated 19 Del.C. §1307(a)(1) and (a)(4).

4. On August 12, 2004, Charging Party was advised to refile the charge to correct existing deficiencies and to allege the appropriate subsections of the PERA Charging Party maintains were violated.
5. On November 8, 2004, the charge was officially refiled and the parties were so notified by letter from the Executive Director dated November 15, 2004.
6. The pleadings were completed on December 2, 2004, and on December 9, 2004, a Probable Cause Determination was issued finding the Complaint was timely filed and the pleadings were sufficient to establish probable cause to believe that an unfair labor practice may have occurred. The matter was scheduled for a hearing on January 26, 2005.
6. By letter to the PERB dated January 7, 2005, the parties requested a continuance of the January 26, 2005, hearing while they attempted to resolve the matter.
7. By e-mail communication dated January 11, 2005, the State forwarded to the PERB a settlement agreement in which included, inter alia, an agreement by Christine Jones to withdraw this unfair labor practice charge.
8. Paragraph 10 of the Settlement Agreement states that “in the event the State is not able to obtain the necessary approvals referenced in paragraph 2 of the Settlement Agreement, the parties shall have the right to request that the Unfair Labor Practice Charge, ULP No. 04-08-446, be resurrected, and that Charging Party shall timely communicate such request to the Public Employment Relations Board. (PERB)”.

WHEREFORE, this Charge is hereby dismissed without prejudice.

IT IS SO ORDERED.

/s/Charles D. Long, Jr.

Charles D. Long, Jr.
Executive Director
Public Employment Relations Board

DATED: January 18, 2005