

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

JOSEPH F. POLI, JR.,	:	
	:	
Charging Party,	:	
	:	<u>ULP No. 07-04-567</u>
v.	:	
	:	
STATE OF DELAWARE, DELAWARE TRANSIT CORPORATION,	:	
	:	
Respondent.	:	

ORDER OF DISMISSAL

1. The State of Delaware (“State”) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act (“PERA”), 19 Del.C. Chapter 13 (1994). The Delaware Transit Corporation (“DTC”) is an agency of the State.

2. Amalgamated Transit Union, Local 842, AFL-CIO (“ATU”) is an employee organization which admits to membership DTC employees and has as a purpose the representation of those employees for purposes of collective bargaining, pursuant to 19 Del.C. §1302(i). ATU, by and through its Local 842, represents a bargaining unit of DTC employees for purposes of collective bargaining and is certified as the exclusive bargaining representation of that unit. 19 Del.C. 1302(j).

3. The Charging Party, Joseph F. Poli, Jr. , is employed by DTC and is a public employee within the meaning of 19 Del.C. §1302(o). The Charging Party is also a member of ATU Local 842 and at the time of the alleged incident, served as an ATU Shop Steward.

4. On or about April 16, 2007, the Charging Party filed an unfair labor practice charge alleging that DTC violated 19 Del.C. §1307(a)(1), (a)(2), (a)(3), and 19 Del.C. §1304(b) by interfering with internal union communications, failing to provide the Shop Steward with access to the Union bulletin board, and censoring the content of union communication.

5. The State filed its Answer on or about May 3, 2007, denying all material allegations of the Charge.

6. A probable cause determination was issued by the Public Employment Relations Board (“PERB”) on June 12, 2007.

7. A pre-hearing was convened on July 2, 2007, which was attended by the Charging Party and representatives of DTC and ATU Local 842.

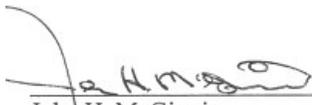
8. Following that conference, the parties met to discuss the underlying issues. Their discussions resulted in the following agreement which was signed by both parties on July 13, 2007:

MEMORANDUM OF AGREEMENT

Posting of Union Materials within the Workplace

The following clarifies the understanding in regard to posting Union materials in the workplace:

- As of July 13, 2007, both parties agree that all correspondence to be posted at DTC workplaces throughout the state (Beech St.; Monroe St; Mid-County; Dover; Rehoboth and Georgetown) will first be approved/authorized by both the Union President and Director of Operations, DTC.
- **No items are to be posted** without the approval/authorization of the aforementioned parties.



John H. McGinnis
Director, Operations

7/13/07
Date



Wali Rushdan
President, Local 842 ATU

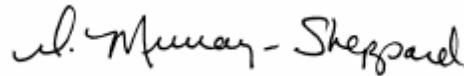
Date

9. By e-mail dated July 31, 2007, the parties advised the Public Employment Relations Board that they considered the unfair labor practice to be resolved.

WHEREFORE, having resolved the underlying issue to the mutual satisfaction of the parties, the Charge is hereby dismissed.

IT IS SO ORDERED.

DATE: 7 August 2007



DEBORAH L. MURRAY-SHEPPARD
Hearing Officer
Del. Public Employment Relations Bd.