

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY, AND  
MUNICIPAL EMPLOYEES, COUNCIL 81, AFL-CIO,

Plaintiff,

v.

STATE OF DELAWARE, OFFICE OF MANAGEMENT  
AND BUDGET, AND THE PUBLIC EMPLOYMENT  
RELATIONS BOARD,

Defendants.


Rep. 07-08-588

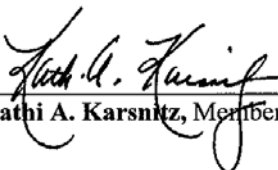
**ORDER TO VACATE DECISION BELOW**

In response to an Order issued by the Honorable John E. Babiarcz on September 24, 2008 (C.A. 08M-02-078-JEB )<sup>1</sup>, the Public Employment Relations Board met in full session on Wednesday, October 15, 2008. At that meeting, the PERB unanimously voted to vacate its January 23, 2008 decision<sup>2</sup> and reinstate the Executive Director's decision of November 9, 2007, finding the voluntary recognition provisions of 19 Del.C. §1311A (e) were inapplicable and that State Merit Employee Unit 11 was properly postured to enter into collective bargaining under 19 Del.C. §1311A.

**IT IS SO ORDERED.**

  
Elizabeth D. Maron, Chairperson

  
R. Robert Currie, Jr., Member

  
Kathi A. Karsnitz, Member

DATED: 7 November 2008

<sup>1</sup> *AFSCME Council 81 v. State of Delaware, Office of Management and Budget, and the Public Employment Relations Board*, Del Super., C.A. 08M-02-078-JEB, IV PERB 4079, 4092.

<sup>2</sup> *State of Delaware v. American Federation of State, County, Municipal Employees, Council 81*, Rep. Pet.No. 07-08-588, VI PERB 3913 (1/23/08)