

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

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| CORRECTIONAL OFFICERS ASSOCIATION OF DELAWARE, | : | |
| | : | |
| | : | |
| Charging Party, | : | |
| | : | <u>ULP No. 09-07-689</u> |
| v. | : | |
| | : | |
| STATE OF DELAWARE, DEPARTMENT OF CORRECTION, | : | |
| | : | |
| | : | |
| Respondent. | : | |

ORDER OF DISMISSAL

1. The Correctional Officers Association of Delaware (“COAD”) is an employee organization which admits public employees to membership and has as a purpose the representation of those employees in collective bargaining pursuant to 19 Del.C. §1302(i). COAD is the exclusive bargaining representative of uniformed employees of the Department of Correction as certified in DOL Case 1.

2. 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 Department of Correction (“DOC”) is an agency of the State.

3. COAD and DOC are parties to an interim collective bargaining agreement which was effective on October 10, 2002.

4. On or about July 9, 2009, COAD filed an unfair labor practice charge

alleging the State violated 19 Del.C. §1307(a)(5) and (a)(6).¹

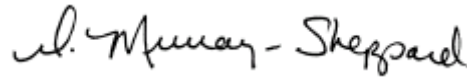
5. The Charge was held in abeyance by agreement of the parties in order to allow for negotiations for a successor agreement to proceed.

8. By letter dated September 2, 2009, COAD requested to withdraw the charge “in light of the efforts demonstrated at the [bargaining] table.”

WHEREFORE, the Charge is hereby dismissed without prejudice.

IT IS SO ORDERED.

DATE: 4 September 2009



DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.

¹ §1307(a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (5) 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.
- (6) Refuse or fail to comply with any provision of this chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this chapter.