

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY	:	
AND MUNICIPAL EMPLOYEES, COUNCIL 81,	:	
LOCAL 218,	:	
	:	
Charging Party,	:	
	:	<u>ULP No. 09-10-708</u>
v.	:	
	:	
APPOQUINIMINK SCHOOL DISTRICT,	:	
	:	
Respondent.	:	

ORDER OF DISMISSAL

1. The Appoquinimink School District (“District”) is a public employer within the meaning of the Public Employment Relations Act (“PERA”), 19 Del.C. §1302(p).

2. The American Federation of State, County and Municipal Employees, AFL-CIO (“AFSCME”) Council 81, Local 218 is the exclusive bargaining representative of a bargaining unit of the District’s non-supervisory custodial and maintenance employees within the meaning of 19 Del.C. §1302(j).

3. On or about October 12, 2009, AFSCME filed an unfair labor practice charge alleging the District had violated 19 Del.C. §1307 (a)(2), (3), (5) and/or (6)¹ when

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

- (2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization.
- (3) Encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure or other terms and conditions of employment.

it “unilaterally reduced the Board’s supplement to total compensation paid to bargaining unit employees by 2.5%”

4. On or about October 27, 2009, the District filed its Answer to the Charge. The New Matter asserted the District fully complied with the statutory requirements, negotiated in good faith and reached agreement with AFSCME Local 218. It further asserted the agreement reached was ratified by the bargaining unit..

5. On or about November 3, 2009, AFSCME filed its Reply to the New Matter, denying the District’s assertions.

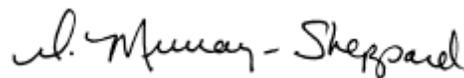
6. A probable cause determination was issued by the Public Employment Relations Board (“PERB”) on February 18, 2010. A hearing was scheduled and noticed for March 16, 2010.

7. By e-mail dated March 12, 2010, AFSCME transmitted to PERB a Notice of Withdrawal of the Charge, noting that the parties had resolved the underlying dispute.

WHEREFORE, the Charge is hereby dismissed.

IT IS SO ORDERED.

DATE: March 22, 2010



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

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- (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.