

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

<b>AMERICAN FEDERATION OF STATE, COUNTY, AND</b>	:	
<b>MUNICIPAL EMPLOYEES, COUNCIL 81,</b>	:	
<b>LOCAL UNION 1670-001,</b>	:	
	:	
Charging Party,	:	
v.	:	<b>Unfair Labor Practice</b>
	:	
<b>TOWN OF SMYRNA, DELAWARE,</b>	:	<b><u>Charge 10-06-747</u></b>
	:	
Respondent.	:	

**ORDER OF DISMISSAL**

1. The Town of Smyrna, Delaware (“Town”) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act (“Act”), 19 Del.C. Chapter 13 (1994).

2. The American Federation of State, County and Municipal Employees, Council 81 (“AFSCME”) is an employee organization within the meaning of §1302(i) of the Act and is the exclusive bargaining representative of a bargaining unit of the Town’s Electrical Department employees as defined in DOL Case 1000, within the meaning of §1302(j) of the Act.

3. On or about June 9, 2010, AFSCME filed an unfair labor practice charge alleging that the Town had violated 19 Del.C. §1307(a)(1), (a)(2), (a)(3) and/or (a)(4), <sup>1</sup>

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<sup>1</sup> 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:

- (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter
- (2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization.

by proposing the elimination of positions which were the subject of a pending representation proceeding, and which were held by employees who had recently testified during a PERB hearing, in unlawful retaliation against the employees.

4. On or about June 10, 2010, the Town filed its Answer denying all material allegations of the Charge. The Answer also included New Matter.

5. On or about June 10, 2010, AFSCME filed its Response to New Matter, denying the asserted defenses to the Charge.

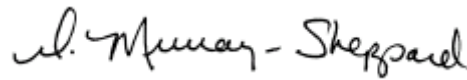
6. A Probable Cause Determination was issued by the Public Employment Relations Board on June 18, 2010, and a hearing on the issues raised by the Charge was scheduled and noticed for July 27, 2010.

5. By signed Memoranda of Agreement between the Town and AFSCME, dated July 22, 2010, AFSCME requested to withdraw the unfair labor practice charge.

**WHEREFORE**, the Charge is hereby dismissed.

**IT IS SO ORDERED.**

DATE: July 28, 2010



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

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- (3) Encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure or other terms and conditions of employment.
  - (4) Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint or has given information or testimony under this chapter.