

**PUBLIC EMPLOYMENT RELATIONS BOARD
FOR THE STATE OF DELAWARE**

ALICIA A. BROOKS,)	
)	
Charging Party,)	
)	
v.)	
)	<u>ULP 09-08-701</u>
AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES, COUNCIL 81, LOCAL 640)	
)	
Respondent.)	

DENIAL OF RESPONDENT’S REQUEST FOR STAY

The PERB is in receipt of the Respondent’s Request for a Stay (received January 5, 2011) in the above-captioned matter, Charging Party’s Response opposing the stay (received January 6, 2011) and Respondent’s Reply (received January 6, 2011), thereto.

The Public Employment Relations Board’s longstanding discretionary deferral policy is conditional. As set forth in the deferral order, one of the conditions for continuing the deferral status is that “the dispute is not being resolved by arbitration with reasonable promptness.”

Charging Party was notified of her suspension (pending termination) on February 14, 2009, nearly two (2) years ago. A grievance was filed on February 19, 2009, protesting her suspension. Charging Party was subsequently terminated effective May 15, 2009. Charging Party filed her unfair labor practice charge on or about August 28, 2009. Following a hearing, the deferral order was issued on February 8, 2010. The grievance

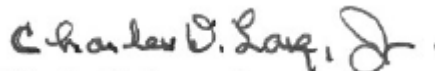
was not appealed to arbitration by the Respondent until October 4, 2010. Some ten (10) months after the deferral order, the grievance has yet to even be scheduled for arbitration. The delay, regardless of the justifications, is unreasonable.

DECISION

Having considered the positions of the parties, I find those offered by the Respondent to be without merit.

Accordingly, Respondent's request for a stay is **Denied**. AFSCME is again directed to advise this office by not later than January 18, 2011, that the arbitration hearing has been scheduled. Failure to do so will result in the prompt scheduling of a hearing before PERB to receive evidence on the merits of the charge.

Date: January 7, 2011



CHARLES D. LONG, JR., Hearing Officer
Del. Public Employment Relations Bd.