

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

<b>DELAWARE STATE AND FEDERAL EMPLOYEES</b>	)	
<b>LOCAL 1029, LABORERS INTERNATIONAL</b>	)	
<b>UNION OF NORTH AMERICA,</b>	)	
	)	
<b>Charging Party,</b>	)	<b><u>ULP No. 09-12-722</u></b>
	)	
<b>v.</b>	)	<b>ORDER OF DISMISSAL</b>
	)	
<b>STATE OF DELAWARE, DEPARTMENT OF</b>	)	
<b>HEALTH AND SOCIAL SERVICES,</b>	)	
	)	
<b>Respondent.</b>	)	

APPEARANCES

*Sheila Littleton, Business Manager, for LIUNA*  
*Jerry M. Cutler, SLREP, for the State*

**ORDER OF DISMISSAL**

1. The State of Delaware (“State”) is a public employer within the meaning of section 1302(p) of the Public Employment Relations Act, 19 Del.C. Chapter 13, (1994). The Department of Health and Social Services (“DHSS”) is an agency of the State.

2. Delaware State and Federal Employees Local 1029, Laborers International Union of North America (“LIUNA”) is the exclusive bargaining representative of a bargaining unit of employees of DHSS, Division of Developmental Disabilities Services, working at the Stockley Center.

3. On or about December 3, 2009, LIUNA filed an unfair labor practice charge alleging the State had violated 19 Del.C. §1307(a)(2) and (a)(5) by announcing and implementing unilateral changes to eligibility criteria and the method for calculating overtime payment payments.

4. On or about December 10, 2009, the State filed its Answer to the Unfair Labor Practice Charge, denying all material allegations contained therein. The Answer also included New Matter in which the State alleged the Charge should be dismissed.

5. On or about December 18, 2009, LIUNA filed its Response to New Matter denying the State's asserted basis for dismissal of the Charge.

6. Because the underlying issue concerned a statewide change in overtime calculations and eligibility, processing of the Charge was held in abeyance by the Public Employment Relations Board pending resolution of related unfair labor practice charges.

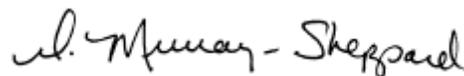
7. On March 8, 2011, LIUNA was advised that the abeyance had been lifted as decisions in *AFSCME Council 81 et al., v. State* (ULP 09-07-693, VII PERB 4885, 2011) and *FOP Lodge 10 v. State* (ULP 09-08-698, VII PERB 4907, 2011) had been issued.

8. By letter dated March 27, 2011, LIUNA requested to withdraw its Charge.

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

**IT IS SO ORDERED.**

DATE: March 29, 2011



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