

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

COMMUNICATION WORKERS OF	:	
AMERICA, LOCAL 13101,	:	
	:	
Charging Party	:	ULP No. 10-12-778
	:	<i>(Consolidated)</i>
v.	:	_____
	:	
STATE OF DELAWARE, DEPARTMENT	:	ORDER OF DISMISSAL
OF SAFETY AND HOMELAND SECURITY,	:	
	:	
Respondent.	:	

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. The Department of Safety and Homeland Security (“DSHS”) is an agency of the State.

2. The Communication Workers of America, Local 13101, (“CWA”) is an employee organization within the meaning of 19 Del.C. §1302(i). It is the exclusive bargaining representative of the unit of non-uniformed support staff employed by DSHS, Division of State Police, within meaning of 19 Del.C. §1302(j). DOL Case 261.

3. On or about December 7, 2010, CWA filed with the Public Employment Relations Board (“PERB”) an unfair labor practice charge (ULP No. 10-12-778) alleging conduct by the State in violation of 19 Del.C. §§1307(a)(1) and (a)(5).

4. On or about January 25, 2011, 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 as insufficient or deferred to the negotiated grievance and arbitration procedure.

5. On or about February 3, 2011, CWA filed a Response to New Matter denying the State's asserted basis for dismissal or deferral of the Charge.

6. A Probable Cause Determination was issued on or about April 20, 2011, in which the pleadings were determined to be sufficient to support a finding of probable cause to believe that a violation of 19 Del.C. §1307(a)(1) and (a)(5) may have occurred with regard to the processing of the last-chance agreement

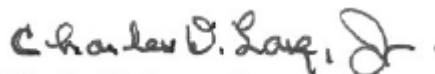
7. A hearing was scheduled for May 12, 2011. Prior to the commencement of that hearing, the parties engaged in a sustained effort to resolve this dispute.

8. The parties jointly advised the Hearing Officer on the record that the dispute had been successfully and fully resolved. Consequently, CWA Local 13101 requested to withdraw the Charge.

WHEREFORE, the Charge is hereby dismissed, with prejudice.

IT IS SO ORDERED.

Date: May 24, 2011



Charles D. Long, Jr.,
Hearing Officer
Del. Public Employment Relations Bd.