

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMALGAMATED TRANSIT UNION, LOCAL 842)	
)	
Charging Party,)	
)	
v.)	<u>ULP No. 12-04-859</u>
)	
STATE OF DELAWARE, DELAWARE TRANSIT CORPORATION,)	Order of Dismissal
)	
Respondent.)	

ORDER OF DISMISSAL

1. The State of Delaware (“State”) is a public employer within the meaning of 19 Del. C. §1302(p) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (“PERA”). The Delaware Transit Corporation (“DTC”) is an agency of the State.

2. The Amalgamated Transit Union (“ATU”) is an employee representative within the meaning of §1302(i) of the PERA. By and through its affiliated Local 842, the ATU is the exclusive bargaining representative of “all hourly rated Operating and Maintenance employees” of DTC, within the meaning of §1302(j), of the Act.

3. The ATU and DTC are parties to a collective bargaining agreement with a term of July 1, 2008 through August 31, 2010. They are currently engaged in a binding interest arbitration proceeding for the purpose of establishing the terms of a successor agreement. The terms of the 2008 – 2010 agreement remained in effect for all times relevant to the processing of this Charge.

4. On or about April 9, 2012, ATU filed an unfair labor practice charge alleging DTC violated §1307 (a)(1), (2), (4), (5), (6) and (8) of the Act.

5. On or about April 19, 2012, the State filed its Answer to the Charge, including New Matter.

6. On or about April 27, 2012, the ATU filed its Response to New Matter.

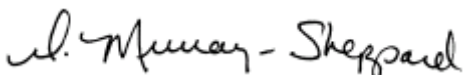
7. On or about July 2, 2012, a Probable Cause Determination was issued by the Public Employment Relations Board, directing that a hearing be convened to receive evidence and argument. Pursuant to that Order, a hearing was scheduled and noticed for September 5, 2012. Prior to the scheduled hearing, the parties mutually requested the hearing be postponed to allow them to explore settlement options.

8. By emails dated September 26, 2012, representatives of both parties advised PERB the parties' resolution efforts had been successful in resolving the underlying issues.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

Date: October 31, 2012


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