

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

MERIT EMPLOYEE UNIT 2 COALITION,	:	
AFSCME, LIUNA AND PHNC, DSEA,	:	
	:	BIA 12-09-877
and	:	
	:	
STATE OF DELAWARE, DDA, DHSS, DNREC,	:	
DOS, AND DSCYF.	:	

STAY OF INTEREST ARBITRATION PROCEEDINGS

Since the determination that the initiation of binding interest arbitration was appropriate and in the public interest in the above-captioned proceeding was issued, the parties have filed an unfair labor practice charge and a countercharge alleging that the other party has failed or refused to bargain in good faith during the course of the negotiations and in the development of the submitted last, best, final offers. *AFSCME Council 81 on behalf of Merit Employee Unit 2 Bargaining Coalition v. State of Delaware, ULP 12-12-882.*

Section 1315 of the Public Employment Relations Act (19 Del.C. Chapter 13) requires the Public Employment Relations Board to make a determination as to whether the parties to a continuing bargaining impasse have made a good faith effort to resolve their dispute. On October 16, 2012, when the letter was issued certifying these negotiations to binding interest arbitration, neither party had made a formal, substantiated allegation of bad faith bargaining. During the binding interest arbitration prehearing conference on December 13, 2012, the Coalition expressed its intention to file an unfair labor practice charge alleging the State's last,

best, final offer included matters outside of the scope of bargaining under 19 Del.C. §1311A. The Coalition Charge was subsequently filed on December 28, 2012.

The State filed a Counter-Charge (included in its Answer to the Charge) on January 9, 2013, alleging the Coalition has and continues to engage in bad-faith bargaining.

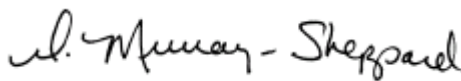
Each party now contests whether the other is and has been negotiating in good faith and there is a dispute as to the scope of bargaining mandated by 19 Del.C. §1311A.

Under these circumstances, continuing to simultaneously process the binding interest arbitration and unfair labor practice charges is neither effective nor efficient. It is logical and reasonable to resolve the unfair labor practice charges in order to inform further negotiations and to, perhaps, facilitate resolution of the bargaining impasse.

Consequently, pursuant to the powers of the Board set forth in 14 Del.C. §4005(h), the interest arbitration proceedings are hereby stayed pending a decision on the unfair labor practice charge and counter-charge. The unfair labor practice proceedings will be conducted on an expedited basis in order not to unduly delay the resolution of the bargaining impasse.

IT IS SO ORDERED.

DATE: February 1, 2013



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