

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

CORRECTIONAL OFFICERS ASSOCIATION OF DELAWARE,	:	
	:	
	:	
Charging Party,	:	
	:	<u>ULP No. 13-04-897</u>
v.	:	
	:	Order of Dismissal
STATE OF DELAWARE, DEPARTMENT OF CORRECTION,	:	
	:	
	:	
Respondent.	:	

BACKGROUND

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

2. The Correctional Officers Association of Delaware (“COAD”) is an employee organization within the meaning of §1302(i), of the PERA and is the exclusive bargaining representative of the unit of uniformed rank and file Correctional Officers within the meaning of 19 Del.C. §1302(j).

3. COAD and the State are parties to a current collective bargaining agreement which has a term of July 1, 2012 through June 30, 2014.

4. On or about April 5, 2013, COAD filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging the State violated

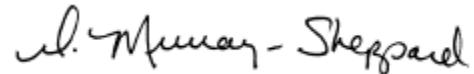
§1307(a)(5) and/or (6) of the PERA.¹

5. On May 15, 2013, the State filed its Answer to the Charge, including New Matter.
6. On May 23, 2013, COAD filed its Response to New Matter.
7. A Probable Cause Determination was issued on June 28, 2013, and the charge was directed to be scheduled for hearing.
8. By letter dated August 5, 2013, COAD advised the Public Employment Relations Board it was engaged in discussions with DOC to resolve disputes concerning the uniform and dress code policies at issue. COAD requested to withdraw its Charge.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: August 8, 2013



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

¹ §1307 (a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.
- (6) Refuse or fail to comply with any provision of this chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this chapter.