

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY,	:	
AND MUNICIPAL EMPLOYEES, COUNCIL 81,	:	
Local 459, AFL-CIO,	:	
	:	ULP No. 15-09-1010
Charging Party,	:	
	:	ORDER OF DISMISSAL
v.	:	
	:	
NEW CASTLE COUNTY, DELAWARE,	:	
	:	
Respondent.	:	

Appearances

Lance Geren, Esq., Freedman & Lorry, PC, for AFSCME Council 81, Local 459

Laura Hay, Esq., Assistant County Attorney, for New Castle County

BACKGROUND

1. The American Federation of State, County and Municipal Employees, Council 81 (AFSCME), is an employee organization within the meaning of 19 Del.C. §1302(i). By and through its affiliated Local 459, AFSCME is an exclusive bargaining representative, within the meaning of 19 Del.C. §1302(j). AFSCME Local 459 represents the bargaining unit of County employees which includes mechanical, maintenance and trade personnel. *DOL Cases 11, 42, 68, and 70.*

2. New Castle County, Delaware (County) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (PERA).

3. The County and AFSCME are parties to a collective bargaining agreement for this bargaining unit which has a term of April 1, 2013 through March 31, 2015.

4. On or about September 24, 2015, AFSCME filed an unfair labor practice charge with the Public Employment Relations Board (“PERB”), asserting the County has engaged in conduct in violation of 19 Del.C. §1307 (a)(1), (a)(5), and (a)(6).¹

5. On October 5, 2015, the County filed its Answer and New Matter in response to the Charge. AFSCME filed its response to the new matter on October 13, 2015.

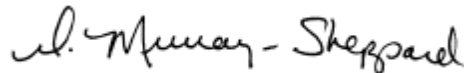
6. A probable cause determination was issued on November 3, 2015. Thereafter, a hearing was scheduled for February 4, 2016.

6. By email dated February 3, 2016, AFSCME advised the Public Employment Relations Board the parties had amicably resolved the underlying dispute, and requested the hearing be cancelled and the Charge be withdrawn.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: February 4, 2016



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:

- (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter.
- (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..