

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY,	:	
AND MUNICIPAL EMPLOYEES, COUNCIL	:	
81, LOCAL 3936, AFL-CIO,	:	
	:	
Charging Party,	:	
	:	
v.	:	<u>ULP No. 18-08-1154</u>
	:	
STATE OF DELAWARE, DEPARTMENT OF	:	Order of Dismissal
STATE, DELAWARE VETERANS HOME,	:	
	:	
Respondent.	:	

Appearances

*Lance Geren, Esq., O'Donoghue & O'Donoghue, for AFSCME LU 3936*

*Khrishna Hawkins, SLREP/DHR, for the State, DVH*

**BACKGROUND**

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 Department of State ("DOS") is an agency of the State. The Delaware Veterans Home ("DVH") is a division of DOS.

2. American Federation of State, County and Municipal Employees, AFL-CIO, ("AFSCME") Council 81 is an employee organization within the meaning of 19 Del.C. §1302(i). By and through its affiliated Local 3936, it is the exclusive bargaining representative of State employees at the Delaware Veterans Home which includes Dietician Assistants, Certified Nursing Assistants, Licensed Practical Nurses I, II, and III, Activity Aides, Advance Practice Nurses, and Registered Nurses I, II, and III, as defined in DOL Case 176.

3. On August 8, 2018, AFSCME filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging DVH had engaged in conduct which violated 19 Del.C. §1307(a)(1), (a)(5), and (a)(6), by unilaterally implementing a scheduling and staffing policy for bargaining unit employees working in DVH’s nursing department.

4. On September 4, 2018, the State filed an Answer to the Charge which included New Matter, asserting the Charge failed to state a claim for which relief can be granted under the PERA and that the Charge was moot. On September 14, 2018, AFSCME filed a Response to New Matter in which it denied the State’s new matter and defenses.

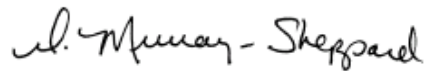
5. A Probable Cause Determination was issued on October 25, 2018.

6. A hearing was scheduled and convened on February 4, 2019. During the hearing, AFSCME requested to withdraw its Charge.

**WHEREFORE**, this unfair labor practice charge is hereby dismissed in its entirety.

**IT IS SO ORDERED.**

DATE: February 4, 2019



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