

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. 18-10-1162</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

Thomas Smith, 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 October 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) and (a)(3). On October 30, 2018, the State filed an Answer to the Charge which included New Matter. On November 9, 2018, AFSCME filed a Response to New Matter in which it denied the State’s new matter and defenses.

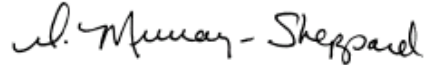
4. A Probable Cause Determination was issued on December 31, 2018.

5. By letter dated February 13, 2019, AFSCME requested to withdraw this Charge.

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

IT IS SO ORDERED.

DATE: February 14, 2019



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