

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

COMMUNICATIONS WORKERS OF AMERICA,	:	
LOCAL 13101, AFL-CIO,	:	
	:	
Charging Party,	:	
	:	
v.	:	<u>ULP No. 18-08-1155</u>
	:	
STATE OF DELAWARE, DEPARTMENT OF SAFETY :	:	Order of Dismissal
AND HOMELAND SECURITY, DIVISION :	:	
OF STATE POLICE,	:	
	:	
Respondent.	:	

Appearances

Thomas Gribbin, Jr., Esq., Willig, Williams & Davidson, for CWA 13101

Thomas Smith, DHR/SLREP, for the State

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 Safety and Homeland Security (“DSHS”) is a department of the State executive branch. The Division of State Police (“DSP”) an agency of the State.

2. The Communications Workers of America, AFL-CIO, (“CWA”) is an employee organization within the meaning of 19 Del.C. §1302(i). Through its affiliated Local 13101, CWA is the exclusive bargaining representative of all civilian employees and 911 dispatchers employed by DSP. 19 Del.C. §1302(j). These employees are represented in two separate and distinct bargaining units as defined in DOL cases 261 and 260, respectively.

3. DSP and CWA Local 13101 are parties to a successor collective bargaining

agreement for each bargaining unit. The predecessor agreements had terms of July 1, 2013 through June 30, 2016. After protracted negotiations, mediation and facilitation, the parties entered into successor agreements in June, 2018, which have retroactive terms of July 1, 2016 through June 30, 2019.

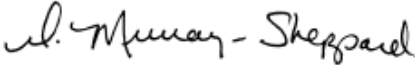
4. On August 17, 2018, CWA Local 13101 filed an unfair labor practice charge alleging the State engaged in conduct which violated 19 Del.C. §1307(a)(1), (a)(5) and (a)(7). The State filed its Answer and New Matter on September 4, 2018; and CWA 13101 filed its response, denying the allegations and conclusions set forth in DSP's new matter on September 14, 2018.

5. A Probable Cause Determination was issued on September 28, 2018, finding the pleadings were sufficient to establish that DSP may have violated 19 Del.C. §1307 (a)(1), (a)5), and/or (a)(7), as alleged. Two days of hearing were held on November 5 and November 9, 2018, and the record closed following receipt of written argument submitted by the parties.

6. Prior to issuance of a decision in this matter, and following the successful conclusion of the parties negotiation of a successor agreement, CWA Local 13101 requested to withdraw this charge, by letter dated June 13, 2019.

WHEREFORE, this unfair labor practice charge is dismissed, without prejudice.

DATE: June 18, 2019


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