

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

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|----------------------------------|---|---------------------------|
| CHRISTINA EDUCATION ASSOCIATION, | : | |
| DSEA/NEA | : | |
| | : | |
| Charging Party, | : | |
| | : | |
| v. | : | <u>ULP No. 19-12-1217</u> |
| | : | |
| CHRISTINA SCHOOL DISTRICT, | : | Order of Dismissal |
| | : | |
| Respondent. | : | |

Appearances

Patricia McGonigle, Esq., DSEA General Counsel, for CEA
James H. McMackin, III, Esq., Morris James LLP, for CSD

BACKGROUND

1. The Christina Education Association, DSEA/NEA (“Association” or “CEA”) is an employee organization within the meaning of §4002(i) of the Public School Employment Relations Act (“PSERA”), 14 Del.C. Chapter 40. The Association is the exclusive bargaining representative of the certificated, non-administrative employees of the Christina School District within the meaning of 14 Del.C. §4002(j).
2. The Christina School District (“District” or “CSD”) is a public school employer within the meaning of 14 Del.C. §4002(q).
3. On December 16, 2019, the Association filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging the District had engaged in conduct which violated 14 Del.C. §4007(a)(5), by unilaterally implementing a change to a negotiated working condition, namely failing to provide lunch and recess

monitors, and requiring teachers to perform those duties at two schools.

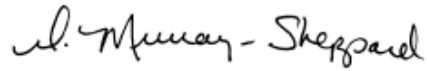
4. On January 7, 2020, the District filed an Answer to the Charge which included New Matter, asserting it had unsuccessfully attempted to fill the positions in question and had made a good faith effort to meet the conditions of the Memorandum of Understanding negotiated between CEA, CSD and the State of Delaware.

5. By letter dated January 14, 2020, the Association requested to withdraw its Charge, without prejudice.

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

IT IS SO ORDERED.

DATE: January 24, 2020



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