

**STATE OF DELAWARE**

**PUBLIC EMPLOYMENT RELATIONS BOARD**

**DELAWARE STATE AND FEDERAL EMPLOYEES** :  
**LOCAL 1029, LiUNA,** :  
 :  
**Charging Party,** :  
 :  
**v.** : **ULP No. 19-09-1204**  
 :  
**STATE OF DELAWARE, DEPARTMENT OF** : **Order of Dismissal**  
**TRANSPORTATION, DIVISION OF** :  
**MOTOR VEHICLES,** :  
 :  
**Respondent.** :

*Appearances*

*Raymond G. Heineman, Esq, Kroll Heineman Carton, for LiUNA 1029*

*Thomas J. Smith, DHR/SLREP, for the Dept. of Transportation*

**BACKGROUND**

1. The Delaware State and Federal Employees Local 1029, Laborers International Union of North America (“LiUNA Local 1029”) is an employee organization within the meaning of §1302(i) of the Public Employment Relations Act (“PERA”), 19 Del. C. Chapter 13. LiUNA Local 1029 is the exclusive bargaining representative of a bargaining unit of DOT Division of Motor Vehicles employees as defined in DOL Case 24, within the meaning of 19 Del. C. §1302(j).

2. The State of Delaware is a public employer within the meaning of 19 Del. C. §1302(p). The Department of Transportation (“DOT”) is an executive branch department of the State. The Division of Motor Vehicles (“DMV”) is an agency of DOT.

3. On September 18, 2019, LiUNA Local 1029 filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging the State

had engaged in conduct which violated 19 Del. C. §1307(a)(1), by denying a bargaining unit employee representation in a disciplinary interview.

4. On September 30, 2019, the State filed an Answer to the Charge which included New Matter, asserting the Charge failed to state a claim for which relief could be granted under the PERA.

5. On or about October 11, 2019, LiUNA Local 1029 amended its Charge to also allege a violation of 19 Del. C. §1307(a)(5), asserting the State had failed or refused to negotiate with LiUNA Local 1029 concerning disciplinary procedures (including due process rights) which it alleged are mandatory subjects of bargaining. The Amended Charge was forwarded to the State for response.

6. By email dated October 24, 2019, the parties mutually requested to suspend further processing the Charge in order that they might engage in efforts to resolve the dispute.

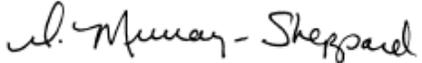
7. LiUNA Local 1029 notified PERB by email dated November 1, 2019 that the parties had reached a tentative settlement. LiUNA Local 1029 requested the Charge be held in abeyance pending the State's execution of the settlement and compliance with the parties' mutual agreement.

8. By email dated July 14, 2020, LiUNA Local 1029 notified PERB that the settlement had been consummated and the issues have been resolved.

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

**IT IS SO ORDERED.**

DATE: July 17, 2020

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