

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

AMALGAMATED TRANSIT UNION, LOCAL 842,	:	
	:	
	:	
Charging Party,	:	
	:	<u>ULP No. 21-12-1292</u>
v.	:	
	:	ORDER OF DISMISSAL
DELAWARE TRANSIT CORPORATION,	:	
	:	
Respondent.	:	

Appearances

Anthony N. Delcollo, Esq., Offit Kurman, P.A., for ATU Local 842

Thomas J. Smith, DHR/SLREP, for Delaware Transit Corporation

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 Delaware Transit Corporation (“DTC”) is an agency of the State.

2. Amalgamated Transit Union, AFL-CIO (“ATU”) is an employee organization within the meaning of 19 Del. C. §1302(i). By and through its affiliated Local 842, ATU is the exclusive bargaining representative of two bargaining units of DTC employees, including the New Castle County Fixed Route and Maintenance Unit and the Paratransit and Greater Dover Fixed Route Unit (DOL Case 213).

3. On December 17, 2021, ATU Local 842 filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging conduct by the

DTC in violation of 19 Del. C. §1307 (a)(1), (a)(4), (a)(5) and (a)(6).¹

4. Prior to the filing of an Answer to the Charge, by email dated January 3, 2022, ATU Local 842 and the State jointly notified PERB that they had initiated negotiations in an effort to resolve the dispute concerning the COVID-19 vaccine and testing mandates and requested that the Charge be held in abeyance.

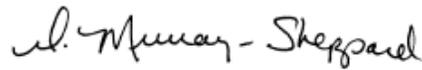
5. The requested abeyance was granted and twice extended.

6. By email received on March 8, 2022, counsel for ATU Local 842 notified PERB that the matters in dispute "... have been resolved by virtue of the removal of the vaccine mandate and testing requirements..." and requested to withdraw its Charge.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: March 9, 2022



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

¹ (a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (1) Interfere with, restrain or coerce any employee because of the exercise of any right guaranteed under this chapter...
- (4) Discharge or otherwise discriminate against an employee because the employee has signed or filed an affidavit, petition or complaint or has given information or testimony under this chapter.
- (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.
- (6) Refuse or fail to comply with any provision of this chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this chapter.