

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE STATE AND FEDERAL EMPLOYEES	:	
LOCAL 1029, LABORERS INTERNATIONAL	:	
UNION OF NORTH AMERICA, AFL-CIO,	:	UNFAIR LABOR PRACTICE CHARGE
	:	<u>NO. 22-08-1316</u>
Appellant,	:	
	:	
v.	:	_____
	:	
STATE OF DELAWARE, DEPARTMENT OF	:	
SERVICES FOR CHILDREN, YOUTH AND	:	ORDER OF DISMISSAL
THEIR FAMILIES,	:	
	:	
Appellee.	:	

Appearances

Gurvis Miner, Business Manager, for LiUNA Local 1029
Khrishna Hawkins, Manager, State Labor Relations & Employment Practices, DHR,
for DSCYF

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 Services for Children, Youth and Their Families (“DSCYF”) is an executive branch department of the State. The Division of Prevention and Behavioral Health Services (“DPBHS”) and the Division of Management Support Services (“DMSS”) are both divisions of DSCYF.

2. The Delaware State and Federal Employees Local 1029 of the Laborers International Union of North America, AFL-CIO, (“LiUNA Local 1029”) is an employee organization within the meaning of 19 Del. C. §1302(i). It is the exclusive bargaining

representative of a bargaining unit of DPBHS employees within the meaning of 19 Del. C. §1302(j). It was at all times relevant to the facts giving rise to this Charge, and remains, the exclusive bargaining representative of the unit of “All regular full and part-time Psychiatric Social Workers I, II, III; Family Services Specialists; Family Service Assistants I, II; Adolescent Treatment Services Coordinator; Administrative Specialists I, II, III employed by DSCYF/DPBHS, Child & Family Care Coordination Units; and Medical Records Technicians employed by DSCYF/DPBHS (excluding Treatment Team Leaders and all other supervisory employees as defined in 19 Del. C. Chapter 13).” DOL Case 236(a).

3. On August 16, 2022, LiUNA Local 1029 filed an unfair labor practice charge alleging the State violated 19 Del. C. §1307 (a)(1) and (a)(5) by unilaterally withdrawing recognition of the union as the exclusive bargaining representative of Medical Records Technicians and failing to implement the negotiated wage increase for those employees.

4. The State filed its answer to the Charge on August 26, 2022, including an assertion that the Charge was untimely as it was filed more than 180 days after the union was notified that the Medical Records Technicians had been reorganized and were no longer employed at DPBHS.

5. LiUNA filed its response to new matter included in the State’s Answer on September 8, 2022.

6. On January 13, 2023, the Executive Director of the Public Employment Relations Board dismissed the Charge finding it was not timely filed.

7. On January 18, 2023, LiUNA Local 1029 requested review of the Executive Director’s decision by the Board. The State responded in writing to the request for review on January 30, 2023.

8. The full Public Employment Relations Board convened in public on February

9, 2023 to consider LiUNA Local 1029's request for review. The Board reviewed the complete record prior to the hearing, heard oral argument, and had the opportunity to ask questions of the parties.

9. By decision dated March 6, 2023, the Board remanded the Charge to the Executive Director for development of a record and determination as to when the statute of limitations began and whether the time period was suspended by the conduct of the Employer.

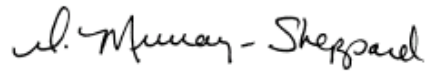
10. Thereafter, the Executive Director offered multiple hearing dates to the parties, of which none were accepted.

11. By email dated May 5, 2023, LiUNA Local 1029 advised PERB that the parties had reached a settlement which resolved the issue and requested to withdraw its Charge.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: May 10, 2023



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