



**State of Delaware**  
**Public Employment Relations Board**  
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**DELAWARE STATE AND FEDERAL EMPLOYEES,** :  
**LOCAL 1029, LABORERS INTERNATIONAL UNION** :  
**OF NORTH AMERICA (“LIUNA LOCAL 1029”)** : Representation Petition

**and** : No. 24-09-1429

**DELAWARE DEPARTMENT OF SERVICES FOR** : **CERTIFICATION**  
**CHILDREN, YOUTH AND THEIR FAMILIES,** :  
**DIVISION OF PREVENTION AND BEHAVIORAL** :  
**HEALTH SERVICES.** :

**LIUNA LOCAL 1029 HAS PETITIONED TO CREATE A BARGAINING UNIT OF ALL REGULAR FULL-TIME AND REGULAR PART-TIME NON-SUPERVISORY DPBHS EMPLOYEES WORKING UNDER THE DEPUTY DIRECTOR IN THE ADMINISTRATIVE UNIT.**

## **NOTICE OF REPRESENTATION HEARING**

A hearing in the above-captioned matter will be convened by the Public Employment Relations Board on the question of representation raised by LiUNA Local 1029’s petition seeking to create a new bargaining unit of DSCYF/DPBHS employees.

The State has objected to the appropriateness of the petition for bargaining unit. Section 1310(d) of the Public Employment Relations Act. Section 1310 of the Public Employment Relations Act (“PERA”) states:

(d) In making its determination as to the appropriate bargaining unit, the Board or its designee shall consider community of interests including such factors as the similarity of duties, skills and working conditions of the employees involved; the history and extent of the employee organization; the recommendations of the parties involved; the effect of overfragmentation of bargaining units on the efficient administration of government; and such other factors as the Board may deem appropriate. The Board or its designee shall exclude supervisory employees from all appropriate units created subsequent to September 23, 1994.

The State further objected to the inclusion of the Administrative Specialist III, asserting she holds a “confidential” position within the meaning of §1302(f) of the PERA:

(f) “Confidential employee” means any employee whose essential job function and advanced knowledge about the issues involved in collective bargaining

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would make it unduly burdensome for the employer to negotiate effectively if the employee were a member of an appropriate bargaining unit.

The State also objected to the inclusion of the Management Analyst II in the bargaining unit, asserting she is a “supervisory” employee within the meaning of §1302(s):

(s) “Supervisory employee” means any employee of a public employer who has the authority, in the interest of the public employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such actions, if the exercise of such authority is not a merely routine or clerical nature, but requires the use of independent judgment.

The purpose of this hearing will be to receive evidence and argument on which a determination can be made as to whether:

- 1) **The bargaining unit LiUNA Local 1029 has petitioned to represent is an appropriate unit within the meaning of §1310(d) of the PERA;**
- 2) **The Administrative Specialist III reporting to the Deputy Director is a “confidential employee” within the meaning of §1302(f); and**
- 3) **The Management Analyst II reporting to the Managed Care Systems Administrator is a “supervisory employee” within the meaning of §1302(s)?**

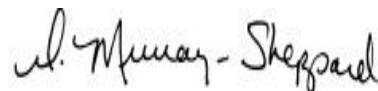
Both *bona fide* confidential and supervisory employees are excluded from the definition of “public employee” (§1302(o)) and are ineligible for representation for purposes of collective bargaining.

Affected parties have the right to appear in person and to give testimony during this hearing.

DATE: **Thursday, December 12, 2024**

TIME: **10:00 a.m.**

PLACE: **PERB Hearing Room**  
**10<sup>th</sup> Floor, Carvel State Office Bldg.**  
820 N. French Street  
Wilmington, DE 19801



DEBORAH L. MURRAY-SHEPPARD  
Executive Director, PERB

DATED: November 6, 2024

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