

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE PUBLIC EMPLOYEES, COUNCIL 81, :
LOCAL 247, AFSCME, AFL-CIO, :
Charging Party, :
: ULP No. 25-10-1510
v. :
: **ORDER OF DISMISSAL**
STATE OF DELAWARE, DEPARTMENT OF :
CORRECTION, :
Respondent. :
:

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 Correction (“DOC”) is an agency of the State.

2. The Delaware Public Employees, Council 81, AFSCME, AFL-CIO (“AFSCME”) is an employee organization within the meaning of 19 Del. C. §1302(i). AFSCME, by and through its affiliated Local 247, is the exclusive bargaining representative of DOC employees as defined by DOL Case 123.

3. On October 24, 2025, AFSCME filed an unfair labor practice charge with the Public Employment Relations Board (“PERB”) alleging conduct by the State in violation of 19 Del. C. §1307 (a)(1) and (a)(5).¹ The Charge alleged the State failed to

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 in or because of the exercise of any right guaranteed 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.

implement a Step 2 grievance decision issued on August 20, 2025, which required the reposting of a contested promotional vacancy and the implementation of a new selection process. DOC did not appeal the Step 2 decision and, as of the date of the filing of this Charge, had failed or refused to implement the decision in violation of its duty to bargain in good faith. It further alleged that the failure to implement the grievance decision interfered with, restrained or coerced employees in the exercise of their rights under the PERA.

4. Prior to the State filing an Answer to the Charge, AFSCME contacted PERB by email on November 3, 2025, stating:

The Union has confirmed that the Department has posted the position in question, and the impacted employees had an opportunity to reapply. Accordingly, the remedy sought by the ULP has been secured.

5. The November 3, 2025 email from AFSCME requested to withdraw the unfair labor practice charge.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: December 23, 2025

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