

**STATE OF DELAWARE**  
**PUBLIC EMPLOYMENT RELATIONS BOARD**

<b>TIARA CAMPBELL-SUBER,</b>	:	
	:	<b>BOARD DECISION ON REQUEST</b>
APPELLANT,	:	<b>FOR REVIEW</b>
	:	
v.	:	
	:	<b>UNFAIR LABOR PRACTICE CHARGE</b>
<b>AFSCME LOCAL 1102,</b>	:	<b><u>No. 25-08-1494A</u></b>
	:	
APPELLEE.	:	

Appearances

*Tiara Campbell-Suber, Appellant, pro se*

*Kathleen R. Bichner, Esq., O’Donoghue & O’Donoghue, LLP, for AFSCME Local 1102*

The Appellant, Tiara Campbell-Suber, was at all times relevant to this Charge employed by the City of Wilmington and was a public employee within the meaning of §1302(o) of the Public Employment Relations Act (19 *Del. C.* Chapter 13, “PERA”).

The American Federation of State, County, and Municipal Employees (“AFSCME”) is an employee organization within the meaning of 19 Del. C. §1302(i). AFSCME, by and through its affiliated Local 1102, is the exclusive representative of a bargaining unit of City of Wilmington (“City”) employees within the meaning of 19 Del. C. §1302(j). AFSCME Local 1102 represents a bargaining unit of hourly and salaried employees of the City.

On August 14, 2025, the Appellant filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging conduct by AFSCME in violation of 19 *Del. C.* §1307(b)(1) and (b)(2). The Charge alleged AFSCME violated the PERA by failing to represent her in good faith, acting in a discriminatory manner, and

interfering with her statutory rights. Specifically, the Charge alleges that AFSCME failed to respond to her requests for representation and failed to act on her grievance request. On August 29, 2025, AFSCME filed its Answer to the Charge, including new matter. The Appellant filed her response to New Matter on September 4, 2025.

On October 27, 2025, the Executive Director issued a decision on the pleadings finding the Board did not have jurisdiction to consider the Charge because it was untimely as it related to the underlying issue of whether AFSCME had failed or refused to file a grievance on her behalf relating to alleged conduct by the City beginning in March 2024. The Executive Director concluded the Appellant was seeking to make a complaint concerning internal union business for which PERB has no statutory oversight responsibilities. The decision also held the Charge failed to assert facts sufficient to conclude that AFSCME had either discriminated against her or interfered with her statutory rights under the PERA, as alleged.

On or about October 31, 2025, the Appellant filed a request for review, challenging the Executive Director's finding that the Charge was untimely and that the Board did not have jurisdiction to consider her claim. AFSCME filed its response to the request for review on November 14, 2025, in which it asserted that the Appellant's challenges were without merit, and that the Request for Review should be dismissed.

A copy of the complete record in this matter was provided to each member of the Public Employment Relations Board. A hearing was convened on March 3, 2026, at which time a quorum of the Board met in public session to hear and consider the Appellant's request for review. The parties were provided the opportunity to present oral arguments and to answer questions from the Board.

The decision reached herein is based upon consideration of the record and the

arguments made by the parties.

### **DISCUSSION**

The Board's scope of review is limited to the record created by the parties and consideration of whether the Executive Director's decision is arbitrary, capricious, contrary to law, or unsupported by the record. After consideration of the record and arguments of the parties on appeal, the Board must vote to either affirm, overturn, or remand the decision to the Executive Director for further action.

In this case, the Executive Director issued her decision based on the pleadings, as required by Board Rule 5.6 (a) which states:

a) Upon review of the Complaint, the Answer and the Response, the Executive Director shall determine whether there is probable cause to believe that an unfair labor practice may have occurred. If the Executive Director determines that there is no probable cause to believe that an unfair labor practice has occurred, the party filing the charge may request that the Board review the Executive Director's decision in accord with provisions set forth in Regulation 7.4. The Board will decide such appeals following a review of the record, and, if the Board deems necessary, a hearing and/or the submission of briefs.

The Appellant argues that she requested representation from AFSCME Local 1102 in both March and July 2025, which fall within the 180-day window prior to the August 14, 2025 date on which she filed the Charge. Her allegations that the union failed to respond to her requests are contradicted by the documents appended to the Charge. The screen shots of her text messages show that after texting both the AFSCME Council 81 Executive Director and the AFSCME Staff Representative at approximately 4:54 p.m. on March 26, 2025, they each responded. The Executive Director immediately responded requesting a phone number and the Staff Representative responded she would call after completing a local membership meeting. The Staff Representative did return her call at

7:40 p.m., a phone call that lasted 23 minutes. There was no failure to respond to the Appellant's March 26, 2025 inquiry to AFSCME.

The Appellant does not dispute that AFSCME Local 1102 leadership notified her sometime in December 2024, that her complaints against the City should be pursued by filing a complaint with the EEOC and that the union did not have a role in the investigation of hostile work environment complaints. She, in fact, documented this discussion in the January 6, 2025 email to Local 1102 leadership which was appended to the Charge.

On July 17, 2025, the Appellant sent an email to the Council 81 general email address requesting to "formally file a grievance regarding the handling of an issue I first raised in 2023 and followed up on multiple times since." The contractual time frame for filing a grievance for conduct which occurred in 2023 would have expired well before July, 2025. Further, the Appellant was advised in December to seek redress for her complaints with the EEOC.

Decisions concerning the processing of a grievance are subject to the judgment and discretion of the exclusive bargaining representative. A breach of the duty of fair representation occurs "only when a union's conduct toward a member of the collective bargaining unit is arbitrary, discriminatory, or in bad faith ..." *Vaca, Supra.*; *Williams, Supra.*, p 167; *Morris v. DCOA & DOC*, ULP 99-12-272, III PERB 2161 (PERB, 2001); *Flowers v. Herbert*, ULP 05-02-468, V PERB 3411, 3413 (PERB, 2005); *Uppal v. Shavers and ATU Local 842*, ULP 17-12-1132, IX PERB 6999, 7005 (PERB, 2018).

AFSCME Local 1102 has a duty to fairly represent members of the bargaining unit, as well as to abide by the terms of the negotiated collective bargaining agreement with the City. When a complaint which does not arise out of the application or interpretation of terms of the agreement or which is brought to the union's attention after the expiration of

the time in which a grievance must be filed, the union is obligated to notify the employee that they do not have a viable grievance. AFSCME Local 1102 clearly and unequivocally notified the Appellant in December 2024 that her recourse was to file an EEOC claim.

The Appellant could not compel the union to file a grievance on her behalf through this unfair labor practice proceeding. The Executive Director's decision that the Charge was not timely filed and the pleadings were insufficient to establish that the alleged violations may have been committed is supported by the record.

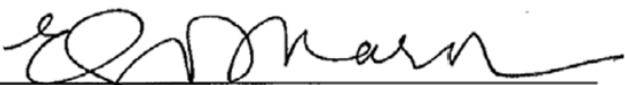
**DETERMINATION**

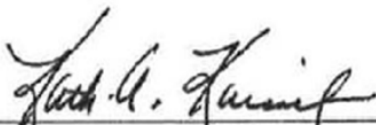
After reviewing the record, hearing and considering the arguments of the parties, the Board unanimously affirms the Executive Director's determination that the Charge fails to state a claim for which relief can be granted under the Public Employment Relations Act and that the Charge was not timely filed. The decision is not arbitrary or capricious and is consistent with applicable law. The decision is supported by the record.

Wherefore, the decision is affirmed, and the appeal is denied.

**IT IS SO ORDERED.**

DATE: March 23, 2026

  
\_\_\_\_\_  
Elizabeth D. Maron, Chairperson

  
\_\_\_\_\_  
Kathi Karsnitz, Member