

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF ELECTRICAL	:	
WORKERS, LOCAL 126, AFL-CIO,	:	
	:	UNFAIR LABOR PRACTICE CHARGE
Charging Party,	:	<u>NO. 26-01-1523</u>
	:	
v.	:	
	:	ORDER OF DISMISSAL
TOWN OF SMYRNA, DELAWARE,	:	
	:	
Respondent.	:	

APPEARANCES

Charles T. Joyce, Esq., Spear Wilderman, P.C., for IBEW Local 126
Peter L. Frattarelli, Esq., Archer & Greiner, P.C., for Town of Smyrna

BACKGROUND

1. The Town of Smyrna, Delaware (“Town”) is a public employer within the meaning of 19 Del. C. §1302(p).
2. The International Brotherhood of Electrical Workers, AFL-CIO, is an employee organization within the meaning of 19 Del. C. §1302(i). IBEW Local 126 was certified as the exclusive bargaining representative of a bargaining unit of Town of Smyrna electrical employees following an election conducted on October 2, 2025, within the meaning of 19 Del. C. §1302(j). IBEW Local 126 represents the bargaining unit which includes all Town of Smyrna Electric Department Employees in Groundhand Apprentice and Journeyman I, II, III positions. DOL Case 319.
3. On or about October 16, 2025, IBEW Local 126 and the Town entered into negotiations for an initial collective bargaining agreement.

4. On January 12, 2026, IBEW Local 126 filed an unfair labor practice charge with the Delaware Public Employment Relations Board (“PERB”) alleging conduct by the Town in violation of 19 Del. C. §1307(a)(5) and (a)(7). Specifically, the Charge alleged the Town has failed or refused to sign and implement the collective bargaining agreement reached by the parties through their negotiations, which was ratified by the bargaining unit on or about December 16, 2025.

5. On January 29, 2026, the Town filed an Answer to the Charge denying many of the facts set forth in the Charge. Specifically, the Town asserts that the parties never reached agreement on the terms of Article XXVII, Subcontracting.

6. On February 17, 2026, a Probable Cause Determination was issued finding the pleadings were sufficient to establish that the Respondents may have violated 19 Del. C. §1307(a)(5) and/or (a)(7), as alleged. As the pleadings raised questions of fact and law, a hearing was scheduled for March 31, 2026. The hearing was suspended in order to allow the parties to enter into settlement discussions.

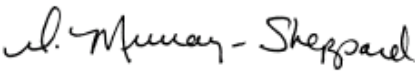
7. The hearing was rescheduled for May 5, 2026.

8. By email dated May 4, 2026, the Town advised PERB that “the parties have reached an agreement to resolve this dispute and enter into a memo of agreement with the necessary, agreed-upon modifications.” The May 5, 2026 hearing was cancelled.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: May 26, 2026


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