STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

DELAWARE PUBLIC EMPLOYEES COUNCIL 81, LOCALS 936, 1832, 2030, 2031, 2305 & 3514, AFSCME, AFL-CIO,	
Charging Parties,	**UNFAIR LABOR PRACTICE CHARGE NO. 26-02-1527**
v.	**ORDER OF DISMISSAL**
DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES,	
Respondent.	

APPEARANCES

Lance Geren, Esq., O'Donoghue & O'Donoghue, LLP, for AFSCME Locals

Khrishna C. Hawkins, DHR Labor Relations Manager, for DHSS

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 Health and Social Services ("DHSS") is an agency of the State. 19 Del. C. §1302(j).

2. Delaware Public Employees Council 81 of the American Federation of State, County and Municipal Employees, AFL-CIO ("AFSCME") is an employee organization within the meaning of 19 Del. C. §1302(i). By and through its affiliated Locals 936, 1832, 2030, 2031, 2305, and 3514, AFSCME is the exclusive representative of bargaining units of DHSS employees, within the meaning of 19 Del. C. §1302(j).

3. AFSCME Locals 936, 1832, 2030, 2031, 2305, 3514 and DHSS are parties to multiple current collective bargaining agreements which are placed in issue by this Charge. The Agreements for Locals 1832, 2030, 2031, 2305 and 3514 have terms of July 1, 2025 through June 30, 2028, as set forth in Articles 24, 26 and 30, respectively. The Agreement for Local 936 states in Article 24 that the agreement is effective from July 1, 2025 through April 30, 2028.

4. On February 10, 2026, AFSCME filed an unfair labor practice charge with the Delaware Public Employment Relations Board ("PERB") alleging conduct by the State in violation of 19 Del. C. §1307 (a)(5).[1] Specifically, the Charge alleged the State unilaterally failed to implement the negotiated wage increases which were, by their terms, to be implemented effective November 30, 2025. As of the date of filing, the bargaining unit had received neither the negotiated increases nor the retroactive pay.

5. On March 13, 2026, the State filed its Answer to the Charge, including an assertion in New Matter that the Charge failed to allege facts sufficient to support the Charge. AFSCME filed its Response to the State's New Matter on March 23, 2026, in which it denied the legal defenses and conclusions asserted by the State.

6. A Probable Cause Determination was issued on March 31, 2026, directing that a hearing be scheduled in order to develop a full and complete factual record on which argument could be made and a decision rendered. The hearing was eventually scheduled and noticed for May 28, 2026. Due to the unavailability of a witness, the hearing was rescheduled and noticed

[1] (a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

(5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.

for June 15, 2026.

7. By email dated June 15, 2026, ASFCME notified PERB by email that the parties had resolved the underlying dispute and requested to withdraw this Charge.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: June 29, 2026

D. Murray-Sheppard

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