



State of Delaware
Public Employment Relations Board
4th Floor, Carvel State Office Building
820 N. French Street
Wilmington, Delaware 19801

Telephone: (302) 577-5070
<https://perb.delaware.gov>

NOTICE OF CERTIFICATION PETITION

AFSCME COUNCIL 81 : Representation Petition
and : No. 26-06-1552
KENT COUNTY LEVY COURT. : CERTIFICATION

Pursuant to §1310 of the Public Employment Relations Act (PERA, 19 Del. C. Chapter 13), AFSCME Council 81 filed a petition seeking to represent a bargaining unit of Kent County Levy Court employees in the following positions:

ALL FULL-TIME AND REGULAR PART-TIME DISPATCHERS I, II, AND III EMPLOYED BY KENT COUNTY LEVY COURT

The petition has been verified by the Public Employment Relations Board and has been determined to be timely filed and supported by at least thirty percent (30%) of the employees in the proposed bargaining unit. Any objections to the validation of this petition should be addressed to the PERB at the number and address above and must be received within five (5) days of the posting of this Notice. All questions regarding this petition should also be addressed to the PERB.

The County has objected to the proposed inclusion of four (4) DISPATCHER III positions asserting they are supervisory positions within the meaning of 19 Del. C. §1302(s) which states:

(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.

AFSCME disagrees with the County's characterization of these positions as supervisory. The Public Employment Relations Act requires *bona fide* supervisors to be excluded from an appropriate bargaining unit. 19 Del. C. §1310(d).

WHEREFORE, a hearing will be promptly convened in order to determine the eligibility of these positions for representation. A Notice of Hearing will be provided once the hearing is scheduled.

Once the status of the Dispatchers III is determined, notices will be posted and an election will be conducted by the Public Employment Relations Board to determine whether the employees in the bargaining unit determined to be appropriate desire to be represented for purposes of collective bargaining. 19 Del. C. §1311.

Questions concerning the processing of this petition should be addressed directly to the Public Employment Relations Board.

DEBORAH L. MURRAY-SHEPPARD
Executive Director, Delaware PERB

DATED: July 6, 2026

This Notice must remain posted until a Notice of Hearing or Election is posted to replace it.