

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 146  
151st GENERAL ASSEMBLY  
FORMERLY  
HOUSE BILL NO. 237

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO POLICE OFFICERS' AND FIREFIGHTERS' EMPLOYMENT RELATIONS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 16, Title 19 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignate accordingly:

§ 1602 Definitions.

As used in this chapter:

(h) "Exclusive bargaining representative" or "exclusive representative" means the employee organization which as a result of certification by the Board has the right and responsibility to be the collective bargaining agent of all employees in that bargaining unit.

(j) "Mediation" means an effort by an impartial third-party confidentially to assist in reconciling an impasse between the public employer and the exclusive bargaining representative regarding terms and conditions of employment.

( ) "Police officer" means as defined in § 8401 of Title 11 and includes probation and parole officers of the Department of Correction. "Police officer" does not include any of the following:

(1) The Department of Correction's Director of Probation and Parole, correctional officers and similar correctional occupations.

(2) Correctional supervisors and nonuniformed correctional employees who are employed in a secure facility operated by the Department of Correction or the Department of Services for Children, Youth and their Families, or who have inmate contact which is composed of correctional lieutenants, staff lieutenants, correctional captains, nonuniformed correctional employees who are employed in a secure Department of Correction facility or who have inmate contact and similar occupations.

(3) Persons and officers not included pursuant to § 8401(5)(b) of Title 11.

(4) The Attorney General and the Attorney General's deputies.

(5) Any position at a director or executive level whose essential job function and advanced knowledge about the issues involved in collective bargaining would make it unduly burdensome for the employer to negotiate effectively if the employee were a member of an appropriate bargaining unit. This exclusion applies only to those units not already organized upon [the effective date] of this exclusion.

(k) "Public employee" or "employee" means any police officer or firefighter employed by a public employer except those determined by the Board to be inappropriate for inclusion in the bargaining unit; provided, however, that for the purposes of this chapter, this term shall not include with respect to any state employee covered under the State Merit System, position classification, health care and other benefit programs established pursuant to Chapters 52 and 96 of Title 29, workers compensation, disability programs and pension programs shall not be deemed to be compensation.

Section 2. This Act applies only to collective bargaining agreements entered into after the enactment of this Act. Existing collective bargaining agreements regarding compensation will remain in effect until such time as they, by their terms expire.

Section 3. This Act applies only to bargaining units not certified pursuant to Chapter 16 of this title as of the effective date of this Act, and is not intended and should not be construed to affect the rights of any public employer, police officer, or firefighter already covered by this Act.

Approved September 10, 2021