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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 93

AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE PUBLIC EMPLOYMENT
RELATIONS ACT.

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

1 Section 1. Amend § 1308, Chapter 13, Title 19 of the Delaware Code by making deletions as shown by strike
2 through and insertions as shown by underline as follows:

3 (a) The Board is empowered and directed to prevent any unfair labor practice described in § 1307(a) and (b) of this
4 title and to issue appropriate remedial orders. Whenever it is charged that anyone has engaged or is engaging in any unfair
5 practice as described in § 1307(a) and (b) of this title, the Board or any designated agent thereof shall have authority to
6 issue and cause to be served upon such party a complaint stating the specific unfair practice charge and including a notice
7 of hearing containing the date and place of hearing before the Board or any designated agent thereof. Evidence shall be
8 taken and filed with the Board; provided, that no complaint shall issue based on any unfair labor practice occurring more
9 than 180 days prior to the filing of the charge with the Board.

10 (b) (1) If, upon all the evidence taken, the Board shall determine that any party charged has engaged or is engaging
11 in any such unfair practice, the Board shall state its findings of fact and conclusions of law and issue and cause to be served
12 on such party an order requiring such party to cease and desist from such unfair practice, and to take such reasonable
13 affirmative action as will effectuate the policies of this chapter, such as payment of damages and/or the reinstatement of an
14 employee; provided however, that the Board shall not issue:

15 a. Any order providing for binding interest arbitration on any or all issues arising in collective bargaining between
16 the parties involved; or

17 b. Any order, the effect of which is to compel concessions on any items arising in collective bargaining between
18 the parties involved.

19 (2) If, upon the evidence taken, the Board shall determine that any party charged has not engaged or is not
20 engaging in any such unfair practice, the Board shall state, in writing, its findings of fact and conclusions of law and issues
21 and dismiss the complaint.

22 (3) The Board or any designated agent thereof shall issue its findings of fact and conclusions of law referenced in
23 (b)(1) and (2) of this Section within 30 days of the close of the record.

24 (c) In addition to the powers granted by this section, the Board shall have the power, at any time during
25 proceedings authorized by this section, to issue orders providing such temporary or preliminary relief as the Board deems
26 just and proper subject to the limitations of subsection (b) of this section.

SYNOPSIS

 This bill amends the Delaware Public Employment Relations Act by requiring that the Board, consistent with the Board's Rules and Regulations, issue written decisions following hearings on unfair labor practice charges within 30 days of the close of the record.

Author: Senator Walsh