



SPONSOR: Sen. Walsh & Rep. Osienski  
Sens. Lockman, Mantzavinos, S. McBride, Townsend;  
Reps. Carson, Cooke, Griffith, Heffernan, Kowalko,  
Longhurst, Minor-Brown

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE BILL NO. 201

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 Chapter 13, Title 19 of the Delaware Code by making deletions as shown by strike through and  
2     insertions as shown by underline as follows:

3           § 1302. Definitions.

4           (p) "Public employer" or "employer" means the State, any county of the State or any agency thereof, and/or any  
5     municipal corporation, municipality, city or town located within the State or any agency thereof, which upon the  
6     affirmative legislative act of its common council or other governing body has elected to come within the former Chapter 13  
7     of this title or which hereafter elects to come within this chapter, or which employs ~~400~~ 10 or more full-time employees.

8           § 1308. Disposition of complaints.

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

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

21           a. Any order providing for binding interest arbitration on any or all issues arising in collective bargaining

22 between the parties involved; or

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

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

28 (3) The Board or any designated agent thereof shall either issue its findings of fact and conclusions of law  
29 referenced in (b)(1) and (2) of this section within 180 days of the close of the record, or shall advise the parties of the status  
30 of the matter within 180 days of the close of the record, and every 30 days thereafter.

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

#### SYNOPSIS

This bill amends the Delaware Public Employment Relations Act in two ways. First, it expands the jurisdictional application of the Act to employers with less than 100 employees and as few as 10. Second, it requires the Board either to issue written decisions following hearings on unfair labor practice charges within 180 days of the close of the record, or, if the Board requires more time to issue its decision, it must provide a written notice to the parties advising of the same within the 180 day period and every 30 days thereafter.

Author: Senator Walsh