



**State of Delaware
Public Employment Relations Board**
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Wilmington, Delaware 19801

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**AFSCME COUNCIL 81, LIUNA LOCAL 1029, AND
PUBLIC HEALTH NURSES COUNCIL, DSEA,**

AND

STATE OF DELAWARE

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REP. PET. 07-09-599
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<p>NOTICE OF COMPENSATION UNIT 2 DEFINITION and ELECTION ORDER FOR UNREPRESENTED POSITIONS</p> <p>Non-Professional Patient Care Workers</p>

Recently enacted amendments to the Public Employment Relations Act, 19 Del.C. Ch. 13, require that in order to exercise the new right to negotiate for compensation, State merit employees must first be represented within one of twelve bargaining units defined in §1311A(b):

... The [PERB] shall determine the proper assignment of job classifications to bargaining units and the bargaining unit status of individual employees and shall provide for certified bargaining representatives to combine bargaining units or portions of bargaining units of employees they represent within the bargaining units defined in this section based upon the job classifications of the employees represented. 19 Del.C. §1311 A (b).

SB 36 Unit 2, defined as “**Non-Professional Patient Care Workers** which is composed of institutional care classes including licensed practical nurses, nursing assistants, active treatment assistants, technicians, therapy aides and similar classes.” (19 Del.C. §1311A (b)(2)), has been determined to include the following classifications, based on agreements reached between the State, AFSCME, LIUNA and PHNC:

Active Treatment Facilitator	Dietician’s Assistant
Active Treatment Supervisor	Laboratory Technician I, II, III
Activity Aide I, II	Licensed Practical Nurse I, II, III
Activity Therapist I, II	Nursing Assistant
Attendant Chauffeur	Psychological Assistant
Certified Nursing Assistant	Sheltered Workshop Production Assistant
Clinical Aide	Therapy Aide
Cosmetologist	Work Program Assistant
Dental Assistant	

State Merit employees holding positions in these classifications work in the:

- Department of Agriculture,
- Department of Health and Social Services (“DHSS”),
- Department of Natural Resources and Environmental Control (“DNREC”), and

- Department of State (“DOS”)

AFSCME Council 81 filed a SB 36 Certification Petition seeking to represent positions included within the Unit 2 definition which are not included in existing bargaining unit certifications and, therefore, are not currently represented by AFSCME Locals 516, 640, 936, 1109, 1525, 1832, 2030, 2031, 2072, and 2305; LIUNA Local 1029; and Public Health Nurses Council, DSEA.

The following positions were identified as unrepresented positions affected by this petition:

Laboratory Technicians I, II, III	Dept. of Agriculture
Activity Aide II	DHSS/DDDS - Community Services
Psychology Assistant	DHSS/DDDS - Community Services
Work Program Assistant	DHSS/DDDS - Community Services
Activity Therapists I, II	DHSS/DDDS - Stockley Center
Dietician's Assistant	DHSS/DDDS - Stockley Center
Laboratory Technicians I, II, III	DHSS/DDDS - Stockley Center
Laboratory Technicians I, II, III	DHSS/ Medical Examiner
Clinic Aide	DHSS/ Division of Public Health/ Community Health
Laboratory Technicians I, II, III	DHSS/ Division of Public Health/ Community Health
Licensed Practical Nurse	DHSS/ Division of Public Health/ Community Health
Activity Therapists I	DHSS/ Division of Public Health/ Emily Bissell
Dental Assistant	DHSS/ Division of Public Health/ Emily Bissell
Psychological Assistant	DHSS/SAMH/ Community Mental Health
Activity Therapist I,II	DHSS/SAMH/ Del. Psychiatric Center
Laboratory Technicians I, II, III	DHSS/SAMH/ Del. Psychiatric Center
Work Program Assistant	DHSS/SAMH/ Del. Psychiatric Center
Licensed Practical Nurse	DHSS/SAMH/ Substance Abuse
Work Program Assistant	DHSS/Visually Impaired
Laboratory Technicians I, II, III	DNREC/Air/Air Quality Mgmt.
Laboratory Technicians I, II, III	DNREC/Water Resources/ Environmental Lab
Activity Aide I, II	DOS/ Veterans' Home
Certified Nursing Assistant	DOS/ Veterans' Home
Dietician's Assistant	DOS/ Veterans' Home
Licensed Practical Nurse	DOS/ Veterans' Home

AFSCME’s petition to represent the unrepresented positions has been verified by the Public Employment Relations Board and determined to be timely filed and properly supported as required by 19 Del.C.§1311A(e). 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.

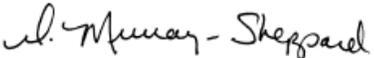
A secret ballot election will be conducted by the Public Employment Relations Board among State Merit employees holding the positions listed as unrepresented above, to determine whether they desire to be represented for purposes of collective bargaining.

Any organization other than ASCME Council 81 which desires to be included on the ballot must, within ten (10) days of this notice, submit a 10% (ten percent) showing of interest.

This Notice will be followed by a Notice of Election advising eligible voters of the election arrangements.

Questions concerning this matter should be addressed to the Public Employment Relations Board, (302) 577.5070; deperb@state.de.us

DATED: 3 March 2008


DEBORAH L. MURRAY-SHEPPARD
Executive Director, PERB