BEFORE THE MERIT EMPLOYEE RELATIONS BOARD

OF THE STATE OF DELAWARE

IN THE MATTER OF JOHN AMODEI and FRANK LOBACCARO, **Grievants,**	)	**DOCKET NOS. 95-09-53 and 95-09-54**
v.	)	
DEPARTMENT OF CORRECTIONS, **Agency.**	)	**ORDER OF CONDITIONAL DISMISSAL**

AND NOW, this 19th day of December, 1996,

WHEREAS, the parties to the above-captioned dockets have filed the attached Stipulation reflecting their mutually agreed upon resolution of these grievances; and,

WHEREAS, the Board is willing to retain jurisdiction of these two grievances by deferring further action thereon pending notification of the Board by Grievants' counsel of the completion of the term of the Grievants' probationary period or for a period of one (1) year from the date of this Order,

NOW THEREFORE, it is **ORDERED**:

1. That the Merit Employee Relations Board will defer further action on the above-captioned grievances for a period of one (1) year or until notified by Grievants' counsel of the conclusion of the Grievants' term of probation as provided for in the attached Stipulation of the parties whichever should first occur.

2. That, at the end of one year from the date of this Order, the above-captioned grievances shall be deemed to be dismissed without further order of the Board unless, within that

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period, counsel for Grievants notifies the Board of the termination of Grievants' probation or of the need to reactivate and reschedule the original grievance for any reason, including the non-placement of the Grievants as Probation & Parole Officers I, within the period of retention of jurisdiction by the Board, in which event the Board will issue further order(s) in these matters and may further extend its retention of jurisdiction.

IT IS SO ORDERED.

Katy Woo

Katy K. Woo, Chairperson

Robert Burns, Vice-Chairperson

Walter Bowers, Member

Dallas Green, Member

MMT:bfo

Distribution:
Original: File
Copies: Grievants' Representative
Agency's Representative
Merit Employee Relations Board
Katy K. Woo, Chairperson
Robert Burns, Vice Chairperson
Walter Bowers, Member
Dallas Green, Member

Mailing Date: 12/30/96

IN AND FOR THE MERIT EMPLOYEE RELATIONS BOARD

John Amodei and Frank Lobaccaro, Grievants, v. Department of Correction, Agency.	:	Docket Nos. 95-09-53 95-09-54

STIPULATION AND ORDER

WHEREAS, the grievants, John Amodei and Frank Lobaccaro (collectively "the Grievants"), are employees of the Delaware Department of Correction (hereinafter "DOC");

WHEREAS, the employee, John Amodei, has a grievance before the Merit Employee Relations Board (hereinafter "the Board") at Docket Number 95-09-54, regarding the conduct of the DOC in the selection of a Probation & Parole Officer;

WHEREAS, the employee, Frank Lobaccaro, has a grievance before the Board at Docket Number 95-09-53, regarding the conduct of the DOC in the selection of a Probation & Parole Officer.

IT IS HEREBY STIPULATED AND AGREED by and between the parties, the DOC and the Grievants, John Amodei and Frank Lobaccaro, through their respective counsel, subject to the approval of the Board, that:

1. In accordance with the provisions of the collective bargaining agreement between the State of Delaware and the Fraternal Order of Police Probation/Parole Lodge 10, including but not

llimited to Article 9.13.3, the DOC agrees to award the Grievants the first available position of Probation & Parole Officer I in Sussex County.

2. The Grievants agree that Frank Lobaccaro will be given priority placement over John Amodei.

3. Effective August 15, 1996, the DOC agrees to adjust the compensation of the Grievants to reflect of the normal 5% promotional increase in their respective pays as Probation & Parole Officers I, and the general pay increases which occurred on 7/1/95 and 7/1/96.

4. The DOC agrees to pay John Amodei $1,388.00 in back pay and Frank Lobaccaro $1,094.00 in back pay.

5. In accordance with Article 14.1 of the collective bargaining agreement between the DOC and the Fraternal Order of Police Probation/Parole Lodge 10, the Grievants will be granted seniority commencing on the day the individual grievant begins working as a Probation & Parole Officer I.

6. The Grievants agree that they shall serve the full six month probationary period for the position of Probation & Parole Officer I in accordance with Article 5.1 of the collective bargaining agreement between the State of Delaware Department of Corrections and the Fraternal Order of Police Probation/Parole Lodge 10 beginning on the day the individual grievant begins working as a Probation & Parole Officer I.

7. The Board shall retain jurisdiction over this matter during the term of the grievants' probationary period.

8. It is expressly understood and agreed that this agreement is in full satisfaction of two disputed Merit Rule grievances and this agreement is not an admission of liability, and that liability is expressly denied.

11/13/96

DAVID A. BOSWELL, ESQ.
Schmittinger & Rodriguez, P.A.
1300 N. Market Street, Suite 205
Wilmington, DE 19899-1136
Attorney for the Grievants

ELIZABETH DANIELLO MARON,
Deputy Attorney General
Department of Justice
Carvel State Building
820 N. French Street, 8th Floor
Wilmington, DE 19801
Attorney for the Department of Correction

DATE: November 7, 1996

IT IS SO ORDERED this ____ day of _____, 1996:

_____
Board Member

_____
Board Member

_____
Board Member