

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD

IN THE MATTER OF HARRITY, ET AL

Grievant,

v.

STATE OF DELAWARE, Department of
Services for Children, Youth & Their Families
Agency

DOCKET NO. 95-10-60

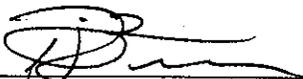
ORDER ON MOTION

BEFORE Burns, Vice Chairperson, Bowers, Fullman and Green, Members of the Merit Employee Relations Board, constituting a lawful quorum of the Board pursuant to 29 Del Code, Section 5907(6).

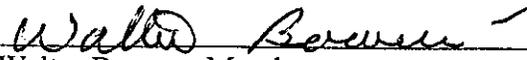
And now on this date, March 14, 1996, this matter having come before the Board on February 15, 1996, and the State's motion to dismiss upon the grievant's close of their case in chief, and each party filing letter memorandum on the issue of whether there is relief that is available to the grievants.

1. Merit Rule 21.0371 was interpreted by the Superior Court in Worsham et al v. Department of Corrections, 1993 WL 390477 (Del. Super.) DelPesco, J, Aug. 19, 1993. In that case, Judge DelPesco found that the thirty day retroactive limitation on relief applies only to cases involving suspension, demotion and termination.
2. As this matter does not involve the above cited matters, relief is potentially therefore available from the date of the implementation of the beeper system, April, 1993.
3. The motion to dismiss is denied.
4. The hearing shall resume at 2:00 p.m. on March 14, 1996 at Tatnall Building, Room 112 in Dover, Delaware.

IT IS SO ORDERED


Robert Burns, ViceChairperson


Gary Fullman, Member


Walter Bowers, Member


Dallas Green, Member