

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD

OF THE STATE OF DELAWARE

JAMES PICCONI,

Employee/Grievant,

V.

**DEPARTMENT OF HEALTH AND
SOCIAL SERVICES,**

Employer/Respondent.

DOCKET No. 11-06-516

PUBLIC DECISION AND ORDER

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board (the Board) at 9:00 a.m. on April 5, 2012 at the Public Service Commission, Silver Lake Plaza, Canon Building, 861 Silver Lake Boulevard, Dover, DE 19904.

BEFORE Martha K. Austin, Chair, John F. Schmutz, Victoria D. Cairns, Dr. Jacqueline Jenkins, and Paul R. Houck, Members, a quorum of the Board under 29 *Del. C.* §5908(a).

APPEARANCES

W. Michael Tupman
Deputy Attorney General
Legal Counsel to the Board

Deborah L. Murray-Sheppard
Board Administrator

Roy S. Shields, Esquire
on behalf of Employee/Grievant
James Picconi

Kevin R. Slattery
Deputy Attorney General
on behalf of the Department of
Health and Social Services

BRIEF SUMMARY OF THE EVIDENCE

The Board incorporates by reference the Brief Summary of Evidence in the Board's Non-Public Decision and Order.

FINDINGS OF FACT

The Board incorporates by reference the Findings of Fact in the Board's Non-Public Decision and Order.

CONCLUSIONS OF LAW

The Board incorporates by reference the Conclusions of Law in the Board's Non-Public Decision and Order.

ORDER


It is this **24th** day of April, 2012, by a vote of 5-0, the Decision and Order of the Board to deny Picconi's appeal.



MARTHA K. AUSTIN, MERB Chairwoman



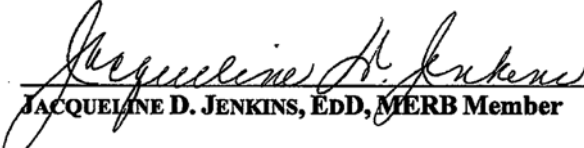
VICTORIA D. CAIRNS, MERB Member



JOHN F. SCHMUTZ, MERB Member



PAUL R. HOUCK, MERB Member



JACQUELINE D. JENKINS, EDD, MERB Member