

**STATE OF NEW YORK
PUBLIC EMPLOYMENT RELATIONS BOARD**

In the Matter of

**TOWN OF ULSTER POLICEMEN'S BENEVOLENT
ASSOCIATION, INC.,**

Charging Party,

CASE NO. U-36265

- and -

TOWN OF ULSTER,

Respondent.

MARILYN D. BERSON, ESQ., for Charging Party

**ROEMER WALLENS GOLD & MINEAUX, LLP (MATTHEW P. RYAN
of counsel), for Respondent**

BOARD DECISION AND ORDER

By decision dated November 17, 2020, an Administrative Law Judge (ALJ) held that the Town of Ulster violated § 209-a.1 (d) of the Public Employees' Fair Employment Act (Act) when, in February 2018, it refused to engage in impact negotiations with the Town of Ulster Policemen's Benevolent Association, Inc. (PBA) over a decision to transfer bargaining unit work out of the unit.¹

On December 16, 2020, we received a request from the PBA to withdraw the charge "with prejudice" pursuant to a ratified Memorandum of Agreement between the parties.² No opposition has been filed to the PBA's request.

Pursuant to § 204.1 (e) of our Rules of Procedure, we find that withdrawal of the

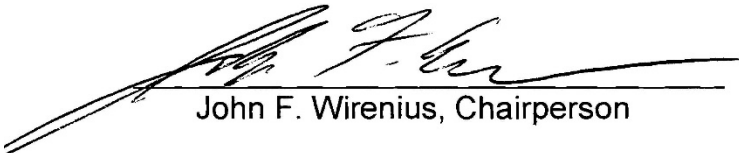
¹ 53 PERB ¶ 4535 (2020).

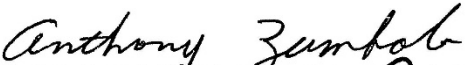
² Letter from PBA dated December 16, 2020.

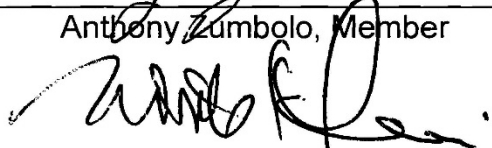
charge is not inconsistent with the purposes and policies of the Act or due process of law.³ Indeed, as we have long held, “[t]he conclusion of final negotiations affords the parties an opportune time to cooperate in achieving stable and harmonious relations by resolving all outstanding disputes.”⁴ Thus, “permitting the [PBA] to honor [its] contractual commitment to withdraw these charges is entirely consistent with the purposes and policies of the Act.”⁵ Accordingly, we grant the PBA’s request to withdraw the charge.

The case is closed, without consideration of the merits of the parties’ allegations or arguments and without any review of the ALJ’s decision and order. SO ORDERED.

DATED: January 11, 2021


John F. Wirenius, Chairperson


Anthony Zumbolo, Member


Monte A. Klein, Member

³ See generally *NYCTA*, 26 PERB ¶ 3037 (1993) (granting request to withdraw charge pursuant to successor collective bargaining agreement).

⁴ *State of New York*, 14 PERB ¶¶ 3043, 3071 (1981).

⁵ *NYCTA*, 26 PERB ¶ 3037, at 3063.