

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE,	:	
LODGE NO. 5,	:	
	:	
Petitioner,	:	Request for Review of
v.	:	<u>U.L.P. Nos. 91-06-064; 91-08-066</u>
	:	
NEW CASTLE COUNTY	:	
	:	
Respondent.	:	

After a conscientious review of the entire record in the above-cited case, we have unanimously concluded that there is no basis on which to support the October 28, 1991, appeal filed by the Fraternal Order of Police.

In the almost eight years since Seaford Education Association v. Bd. of Education of the Seaford School District (Del.PERB, U.L.P. No. 2-2-84S (3/19/84) explicitly recognized it as principle, the PERB has consistently adhered to a path of deciding good faith bargaining by an examination of the totality of conduct as revealed by the overall factual record.

In finding that the October 22, 1991 decision of the Executive Director did indeed evolve squarely from a consideration of the entirety of the County's negotiation conduct, we have been particularly influenced by two considerations.

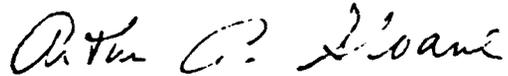
First, the two percent (2%) salary increase limit applied only to the first year of the contract and the County was willing to bargain without precondition both the distribution of the first year increase and salary increases in subsequent contractual years.

Second, the FOP was fully able, at the point at which it walked away from the negotiations, to pursue not only these future salary increases and the present salary

distribution but also immediate non-economic gains.

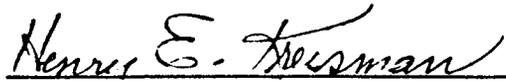
In this light, we cannot agree with the Petitioner that the Respondent tried to avoid its statutory obligation to bargain in good faith and the Executive Director's decision is consequently wholly affirmed.

**IT IS SO ORDERED.**



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ARTHUR A. SLOANE, Chair



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HENRY E. KRESSMAN, Member



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R. ROBERT CURRIE, JR., Member

DATE: December 26, 1991