

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

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| WILMINGTON FRATERNAL ORDER OF POLICE |) | |
| LODGE NO. 1, |) | |
| |) | |
| Charging Party |) | |
| |) | |
| |) | |
| v. |) | |
| |) | <u>ULP NO. 02-08-362</u> |
| |) | |
| CITY OF WILMINGTON |) | |
| |) | |
| Respondent. |) | |

ORDER OF DISMISSAL

1. City of Wilmington (“City”) is a public employer within the meaning of the Police Officers’ and Firefighters’ Employment Relations Act, 19 Del. C. Section 1602(l).
2. Wilmington Fraternal Order of Police, Lodge No. 1 (“FOP #1”) is an employee organization within the meaning of 19 Del. C. Section 1602(g) of the Police Officers’ and Firefighters’ Employment Relations Act, and the exclusive bargaining representative within the meaning of 19 Del.C. Section 1602(h), of certain employees of the City of Wilmington.
3. On August 5, 2002, FOP #1 filed an Unfair Labor Practice Charge, alleging the City of Wilmington violated 19 Del.C. Section 1607 (a) and/or (5), when it failed to negotiate Wilmington Police Officer Directive 6.74 (Early Warning System) prior to implementation thereof.
4. On or about August 23, 2002, the City of Wilmington filed its Answer to the Charge and New Matter.

5. On or about September 3, 2002, FOP #1 filed its Answer to New Matter.
6. On October 1, 2002, a Probable Cause Determination was issued finding that the pleadings constituted probable cause to believe that an unfair labor practice may have occurred.
7. By letter to the parties dated October 1, 2002, the PERB offered hearing dates for the purpose of establishing a factual record.
8. A hearing was scheduled and noticed for November 12, 2002.
9. By letter to the PERB dated October 30, 2002, the City requested postponement of the hearing due to the lack of availability of two City witnesses.
10. By mutual agreement of the parties, the unfair labor practice hearing scheduled for November 12, 2002, was postponed and rescheduled for January 31, 2003.
11. Pursuant to a request by FOP #1, the PERB cancelled the ULP hearing scheduled for January 31, 2003, pending written notification of settlement of outstanding issues between the parties.
12. By letter to the PERB dated March 18, 2003, FOP #1 requested “ all proceedings in connection with FOP’#1’s unfair labor practice petition be extended for 60 days” pending receipt of the final draft of the Early Warning Directive.
13. By letter to the parties dated March 19, 2003, PERB granted the request for an extension to April 21, 2003.
14. On April 15, 2003, FOP #1 requested the unfair labor practice charge be scheduled for a hearing. Before a hearing date could be scheduled, however, the City issued copies of the Administrative Agenda for March 11, 2003 which addressed Police Directive 6.74 (Early Warning System). Contending the controversy surrounding the Early Warning System to be moot, the City requested FOP #1’s complaint be withdrawn.
15. By letter to the PERB dated April 28, 2003, FOP #1 requested dismissal of the ULP based on “amicable resolution reached between the parties”.

WHEREFORE, this Charge is hereby dismissed.

IT IS SO ORDERED.

/s/Charles D. Long, Jr.

CHARLES D. LONG, JR.
Executive Director
Public Employment Relations Board

DATED: May 12, 2003