

**STATE OF DELAWARE**

**PUBLIC EMPLOYMENT RELATIONS BOARD**

<b>WILMINGTON FRATERNAL ORDER</b>	)	
<b>OF POLICE, LODGE, No. 1</b>	)	
	)	
<b>Charging Party</b>	)	
	)	
	)	
<b>v.</b>	)	
	)	<b><u>ULP NO. 04-12-459</u></b>
	)	
<b>CITY OF WILMINGTON,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER OF DISMISSAL**

1. WILMINGTON FRATERNAL ORDER OF POLICE, LODGE NO. 1, (“FOP Lodge No. 1” or “UNION”) is the exclusive bargaining representative of all individuals employed as sworn officers within the Wilmington Police Department holding the ranks of Patrolperson through Inspector, within the meaning of 19 Del.C. Section 1602 (h) of the Police Officers’ and Firefighters’ Employment Relations Act, 1986.
2. CITY OF WILMINGTON, (“CITY”) is a public employer within the meaning of 19 Del.C. Section 1602 (l), of the Public Employment Relations Act, 1986.
3. On December 7, 2004, FOP Lodge No. 1 filed an Unfair Labor Practice Charge with the Public Employment Relations Board (“PERB”), alleging violations of 19 Del.C. Sections 1607(a)(1) and (a) (3) by the City when it allegedly withheld pay to officers who called out sick on July 13 and 14, 2004.

4. On or about December 21, 2004, the City filed its Answer to the Unfair Labor Practice Charge, denying all material allegations, asserting New Matter and filing a Counter Charge.
5. On or about December 29, 2004, FOP Lodge No. 1 filed its Reply to the City's New Matter and Counter Complaint, and alleged New Matter.
6. On or about January 6, 2005, the City filed its Answer to FOP's New Matter, denying the material allegations.
7. On or about January 19, 2005, the Public Employment Relations Board issued a Probable Cause Determination determining that the pleadings were sufficient to establish probable cause to believe an unfair labor practice had occurred.
8. An informal conference was convened on March 28, 2005 to discuss the parties' respective positions regarding the processing of the petition.
9. A hearing was scheduled for June 1 and 3, 2005. However, on June 1, prior to the hearing commencing, the parties made a joint announcement that a tentative settlement had been reached.
10. On June 23, 2005, the parties filed a joint Stipulation of Dismissal with Prejudice of all Claims.

**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:** 30 June 2005