

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

WILMINGTON FRATERNAL ORDER OF POLICE,	:	
LODGE 1	:	
	:	
Charging Party,	:	<u>ULP 09-07-690</u>
	:	
v.	:	
	:	
CITY OF WILMINGTON, DELAWARE,	:	
	:	
Respondent.	:	

ORDER OF DISMISSAL

1. The City of Wilmington (“City”) is a public employer within the meaning of §1602(l) of the Police Officers’ and Firefighters’ Employment Relations Act (“Act”), 19 Del.C. Chapter 16 (1989).

2. The Fraternal Order of Police, Lodge No. 1 (“FOP”) is an employee organization within the meaning of §1602(g) of the Act and the exclusive bargaining representative within the meaning of §1602(h) of the Act of all sworn members of the Wilmington Police Department except for the Chief.

3. On or about July 10, 2009, the FOP filed an unfair labor practice charge alleging that the City violated 19 Del.C. §1607(a)(1), (5) and/or (6), ¹ by unilaterally

¹ 19 Del.C. §1607(a): It is an unfair labor practice for a public employer or its designated representative to do any of the following:

- (1) Interfere with, restrain or coerce any employee in or because of the exercise of any right guaranteed under this chapter.
- (5) Refuse to bargain collective in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.
- (6) Refuse or fail to comply with any provision of this chapter or with rules and regulations established by the Board pursuant to its responsibility to regulate the conduct of collective bargaining under this chapter.

implementing changes to Policy Directive 6.51, "Overtime, Compensatory Time and Payroll".

4. On or about August 3, 2009, the City filed its Answer to the Charge, including New Matter.

5. On or about August 11, 2009, FOP Lodge 10 filed its Reply to the New Matter.

6. A probable cause determination was issued by the Public Employment Relations Board ("PERB") on December 14, 2009. At a prehearing conference convened by the Public Employment Relations Board ("PERB") on March 19, 2010, the parties engaged in discussions concerning the underlying issue of Directive 6.51.

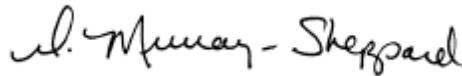
7. On or about April 21, 2010, the FOP advised PERB that a settlement had been reached which resolved all outstanding issues which are the basis for this Charge.

8. By e-mail dated April 22, 2010, the City concurred with the FOP's affirmation that the Charge should be dismissed.

WHEREFORE, the Charge is hereby dismissed.

IT IS SO ORDERED.

DATE: May 27, 2010



DEBORAH L. MURRAY-SHEPPARD
Executive Director
Del. Public Employment Relations Bd.