

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE, LODGE No. 4)	
)	
Charging Party,)	
)	
v.)	<u>ULP No. 12-10-878</u>
)	
CITY OF NEWARK, DELAWARE,)	Order of Dismissal
)	
Respondent.)	

ORDER OF DISMISSAL

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

2. The Fraternal Order of Police (“FOP”) is an employee representative within the meaning of §1602(g) of the POFERA. By and through its affiliated Lodge No. 4, the FOP is the exclusive bargaining representative of a bargaining unit of Newark Police Officers holding the ranks of Patrol Officer through Captain.

3. The City and FOP are parties to a collective bargaining agreement with a term of April 1, 2011 through March 31, 2014.

4. On or about October 18, 2012, the FOP filed an unfair labor practice charge alleging the City violated 19 Del.C. §1607 (a)(1), (5) and/or (a)(6) by unilaterally instituting a

policy which established a new work place offense that was punishable by termination. The Charge was transmitted to the City for an Answer, pursuant to PERB Regulation 5.3.

5. At the City's request, and without objection from the FOP, the deadline for submission of the City's Answer was extended in order to allow the parties to explore settlement opportunities.

6. By email dated November 9, 2012, the FOP advised PERB the parties had been successful in amicably resolving the dispute, and requested the Charge be withdrawn and dismissed upon confirmation of the settlement by the City. By email dated November 16, 2012, the City confirmed a settlement had been reached.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

Date: November 30, 2012


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