

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY)
 AND MUNICIPAL EMPLOYEES, COUNCIL 81,)
 LOCAL 1102,)
)
 Charging Party,)
)
 v.)
)
 CITY OF WILMINGTON, DELAWARE,)
)
 Respondent.)

ULP 14-02-945

ORDER OF DISMISSAL

APPEARANCES

Lance Geren, Esq., Freedman & Lorry PC, for AFSCME Local 1102

Brenda James-Roberts, Esq., Assistant City Solicitor, for the City

BACKGROUND

1. The City of Wilmington (City) is a public employer within the meaning of §1302(p) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (PERA).

2. American Federation of State, County, and Municipal Employees, Council 81 (AFSCME) is an employee organization within the meaning of 19 Del.C. §1302(i). By and through its affiliated Local 1102, AFSCME is the exclusive bargaining representative of certain employees of the City within the meaning 19 Del.C. §1302(j).

3. On or about February 20, 2014, AFSCME filed an unfair labor practice charge with the Public Employment Relations Board (PERB) alleging conduct by the City in violation of

19 Del.C. §§ 1307(a)(1), (a)(5) and (a)(6).¹

4. On or about March 12, 2014, the City filed its Answer to the Charge denying the allegations of the Charge.

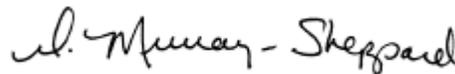
5. A probable cause determination² was issued on April 2, 2014, and a hearing was scheduled for May 29, 2014. Prior to the commencement of the hearing, the parties met in an effort to mutually resolve the dispute.

6. By email dated October 29, 2014, the parties advised the Public Employment Relations Board that the underlying issue has been resolved by the parties and that a settlement agreement has been executed.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: October 31, 2014



DEBORAH L.MURRAY-SHEPPARD
Executive Director, Delaware PERB

¹ §1307 (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 collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit, except with respect to a discretionary subject.
- (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.

² *AFSCME 1102 v. City of Wilmington*, ULP 14-02-945, VII PERB 6009 (Probable Cause Determination, 2014).