



**State of Delaware**  
**Public Employment Relations Board**  
 4<sup>th</sup> Floor, Carvel State Office Building  
 820 N. French Street  
 Wilmington, Delaware 19801

Telephone: (302) 577-5070  
 Facsimile: (302) 577-3297  
<http://perb.delaware.gov>

GENERAL TEAMSTERS LOCAL 326,	)	
	)	<b><u>ULP 15-04-995</u></b>
v.	)	
	)	<b>DECISION ON THE MERITS</b>
CITY OF MILFORD, DELAWARE.	)	

<b>NOTICE OF DETERMINATION</b>
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1. The City of Milford, Delaware, is a public employer within the meaning of 19 Del.C. §1602(i).
2. General Teamsters Local 326 is an employee organization within the meaning of 19 Del.C. §1602(g) and is the exclusive bargaining representative of a bargaining unit of Milford police officers at or below the rank of Sergeant, within the meaning of 19 Del.C. §1602(h).
3. The City Milford, through its bargaining team, gave clear and timely notice to the union’s bargaining team that City Council approval was required to effectuate a final agreement on the terms and conditions of a successor collective bargaining agreement.
4. The parties reached a comprehensive tentative agreement on all terms of a successor agreement on or about September 17, 2014. That tentative agreement was ratified by the union’s membership on or about October 8, 2014.
5. Thereafter, the City Council rejected the tentative agreement.
6. Because the City Council did not approve the tentative agreement, the required precondition was not met and no enforceable contract was created by the exclusive ratification of the union’s membership.
7. Consequently, the City did not violate its statutory obligation to reduce an agreement, reached as a result of collective bargaining, to writing and sign the resulting contract. The charge that the City violated 19 Del.C. §1607(a)(7) is dismissed.
8. The City failed to bargain in good faith when it sent agents into negotiations with apparent but no actual authority to negotiate concerning wages and other terms and conditions

of employment, repudiated the entire tentative agreement, and then directed its team to engage in regressive negotiations. By these actions, the City has violated its obligation to bargain in good faith under the Police Officers and Firefighters Employment Relations Act and 19 Del.C. §1607(a)(5).

**WHEREFORE**, the City of Milford is hereby ordered to take the following affirmative steps:

1. Cease and desist from engaging in conduct which violates 19 Del.C. Section 1607(a)(5).

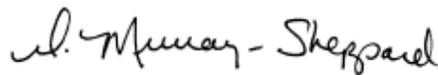
2. Promptly return to the bargaining table with a fully authorized negotiating team and enter into good faith negotiations for a successor to the collective bargaining agreement which expired on June 30, 2014.

3. Immediately post the Notice of Determination in all areas where notices affecting employees in the bargaining unit represented by General Teamsters Local 326 are normally posted throughout the City and in its administrative offices. These notices must remain posted for a period of thirty (30) days in order to provide notice to all affected employees of the decision in this matter.

4. Notify the Public Employment Relations Board in writing within thirty (30) calendar days of the steps taken to comply with this Order.

**IT IS SO ORDERED.**

DATE: January 26, 2016



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

*This Notice must remain posted for a period of thirty (30) days.*