

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

NEWARK FRATERNAL ORDER OF POLICE, :
LODGE No. 4, :
 :
Charging Party, :
 :
v. : U.L.P. No. 93-10-089
 :
CITY OF NEWARK, :
 :
Respondent. :

BACKGROUND

The City of Newark (hereinafter "City") is a public employer within the meaning of 19 Del.C. §1602(l) of the Police Officers' and Firefighters Employment Relations Act (1986), (hereinafter "Act"). The Newark Fraternal Order of Police, Lodge No. 4 (hereinafter "FOP") is the exclusive bargaining representative of the police officers employed by the City.

The FOP filed the above-captioned unfair labor practice charge with the Public Employment Relations Board on September 15, 1993. The charge alleges that by refusing to provide the FOP with a copy of the four-page statement which the City issued to the press on August 25, 1993, indicating its position on the fact-finder's recommendations, the City has engaged in and is engaging in an unfair labor practice in violation of 19 Del.C. §1607(a)(5).¹

The City filed its Answer on September 27, 1993.

¹ 19 Del.C. §1607(a)(5) provides: "It is an unfair labor practice for a public employer or its designated representative to do any of the following: (5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate bargaining unit."

DISCUSSION

The City included as an attachment to its Answer a copy of the document requested by the FOP, entitled "Critique of the Fact-Finder in the Matter of the City of Newark, Delaware and the Fraternal Order of Police Lodge No. 4." On October 12, 1993, FOP Lodge No. 4 filed a second unfair labor practice charge against the City of Newark. [U.L.P. No. 93-10-092] The second charge includes the substantive allegations made in the immediate charge concerning the written statement in issue.

The issue involving the City's providing the disputed document was resolved by its Answer. All other substantive allegations are reiterated in the FOP's Unfair Labor Practice Charge No. 93-10-092. Therefore, this charge is dismissed in order to avoid duplication and to expedite the resolution of the FOP's allegations.

DECISION

For the reasons stated above, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

Dated: October 22, 1993

/s/Deborah L. Murray-Sheppard
Principal Assistant
DE Public Employment Relations Bd.