

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE, LODGE NO. 1,	:	
	:	
Charging Party,	:	
	:	
v.	:	<u>U.L.P. No. 98-03-229</u>
	:	
CITY OF NEW CASTLE,	:	
	:	
Respondent.	:	

ORDER OF DISMISSAL

1. The Wilmington Fraternal Order of Police Lodge No. 1 (“FOP Lodge 1”) is an employee organization within the meaning of §1602(f) of the Police Officers’ and Firefighters’ Employment Relations Act, 19 Del.C. Chapter 16. FOP Lodge 1 is the exclusive bargaining representative within the meaning of 19 Del.C. §1602(g). of all full time and part time police officers employed by the City of New Castle, including Chief, Sergeants, Corporals and Patrolmen, per DOL Case No. 78.

2. The City of New Castle is a public employer within the meaning of 19 Del.C. §1602(l).

3. On March 27, 1998, FOP Lodge 1 filed an unfair labor practice charge alleging that during the period in which the parties were negotiating a successor agreement the City of New Castle failed to pay police officers according to the pay scale included in the collective bargaining agreement which expired on June 30, 1996, , in violation of 19 Del.C. §1607 (a)(5).

4. A hearing was scheduled by the Public Employment Relations Board to be held on June 9, 1998.

5. On June 8, 1998, Counsel for FOP Lodge 1 faxed the following message to the Executive Director of the Public Employment Relations Board:

FOP #1 and the City have reached agreement upon a new CBA [collective bargaining agreement]. At a minimum the hearing set for tomorrow should be, I suggest, rescheduled to an indefinite date in the future since the ULP [unfair labor practice] charge will be mooted by the new CBA.

6. On August 31, 1998, the Public Employment Relations Board received a copy of the successor collective bargaining agreement, as executed by the parties on June 29, 1998, covering the term of July 1, 1996 through June 30, 1999.

WHEREFORE, the underlying issue in this case is mooted by the execution of the successor agreement and the charge is hereby dismissed, without prejudice.

IT IS SO ORDERED.

/s/Deborah L. Murray-Sheppard
DEBORAH L. MURRAY-SHEPPARD
Principal Assistant/ Hearing Officer
Del. Public Employment Relations Bd.

Issued: 23 September 1998