

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

<b>WILMINGTON FRATERNAL ORDER OF POLICE,</b>	:	
<b>LODGE 1</b>	:	
	:	
Charging Party,	:	<b><u>ULP 06-11-544</u></b>
	:	
v.	:	
	:	
<b>CITY OF WILMINGTON, DELAWARE,</b>	:	
	:	
Respondent.	:	

**ORDER OF DISMISSAL**

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

2. Fraternal Order of Police, Lodge 1, (“FOP”) is the exclusive bargaining representative of a bargaining unit of City Police Officers within the meaning of 19 Del.C. §1602(g).

3. On or about November 13, 2006, FOP Lodge 1 filed an unfair labor practice charge alleging the City had violated 19 Del.C. §1607 (a)(1), (5) and/or (6)<sup>1</sup> by unilaterally implementing changes to Policy Directive 6.42, Sickness/Injury/Death Leave

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<sup>1</sup> 19 Del.C. §1607(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 collective in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.
- (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.

Policy.

4. On or about December 8, 2006, the City filed its Answer to the Charge. The New Matter asserted the changes made in Directive 6.42 were administrative in nature and within the scope of Employer Rights as defined by 19 Del.C. 1605.

5. On or about December 15, 2006, FOP Lodge 10 filed its Reply to the New Matter.

6. A probable cause determination was issued by the Public Employment Relations Board ("PERB") on January 9, 2007. By letter dated January 19, 2009, the Public Employment Relations Board ("PERB") was advised that the parties were engaged in discussions concerning the underlying issue, i.e., Directive 6.4.2, Sickness/Injury/Death Leave Policy.

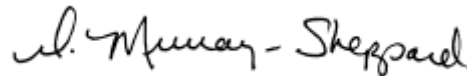
7. On or about October 14, 2009, the City filed a Motion to Dismiss the Charge, which was forwarded to the FOP for response.

8. By e-mail dated October 29, 2009, the FOP advised PERB that it wished to withdraw this Charge. The City also requested its New Matter and other affirmative pleadings be withdrawn.

**WHEREFORE**, the Charge is hereby dismissed.

**IT IS SO ORDERED.**

DATE: December 9, 2009



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