STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE, LODGE # 5, : Charging Party, :

v. : ULP No. 13-06-910 : Order of Dismissal

NEW CASTLE COUNTY, DELAWARE, : Respondent.

BACKGROUND

1. New Castle County, Delaware (County) is a public employer within the meaning of §1602(l) of the Police Officers and Firefighters Employment Relations Act, 19 Del.C. Chapter 16 (POFERA). The New Castle County Police Department is an agency of the County.

2. Fraternal Order of Police, Lodge No. 5 (FOP Lodge No. 5) is an employee organization within the meaning of §1602(g), of the PERA and is the exclusive bargaining representative of the unit of all sworn police officers at and below the rank of Senior Lieutenant employed by the New Castle County Police Department, within the meaning of 19 Del.C. §1602(h).

3. FOP Lodge No. 5 and the County are parties to a collective bargaining agreement which had a term through June 30, 2013.

4. On or about June 13, 2013, FOP Lodge No. 5 filed an unfair labor practice charge with the Delaware Public Employment Relations Board (PERB) alleging the County violated
§1607(a)(2) and/or (a)(5) of the PERA.¹

5. On July 1, 2013, the County filed its Answer to the Charge, including New Matter.

6. On July 5, 2013, FOP Lodge No. 5 filed its Response to New Matter.

7. By letter dated September 4, 2013, FOP Lodge No. 5 advised the Public Employment Relations Board the issues underlying the Charge had been addressed. FOP Lodge No. 5 requested to withdraw its Charge.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: September 5, 2013

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

¹ §1607 (a) It is an unfair labor practice for a public employer or its designated representative to do any of the following:

(2) Dominate, interfere with or assist in the formation, existence or administration of any labor organization.

(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.