

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY,)	
AND MUNICIPAL EMPLOYEES, COUNCIL 81,)	
LOCAL UNIONS 1102 AND 320,)	
)	
Charging Parties,)	ULP 10-08-761
)	
v.)	ORDER OF DISMISSAL
)	
CITY OF WILMINGTON, DELAWARE,)	
)	
Respondent.)	

Appearances

Lance Geren, Esq., Freedman & Lorry, for AFSCME Locals 1102 & 320

Tara M. DiRocco, Assistant City Solicitor, for the City of Wilmington

1. The American Federation of State, County and Municipal Employees, AFL-CIO, Council 81 (AFSCME) is an employee organization within the meaning of §1302(i) of the Public Employment Relations Act, 19 Del.C. Chapter 13 (PERA). AFSCME, through its affiliated Locals 1102 and 320, is the exclusive bargaining representative of two bargaining units of City of Wilmington employees, within the meaning of 19 Del.C. §1302(j).

2. The City of Wilmington, Delaware (City) is a public employer within the meaning of 19 Del.C. §1302(p).

3. On or about August 19, 2010, AFSCME filed an unfair labor practice charge with the Public Employment Relations Board (PERB) alleging the City had engaged in conduct which violated 19 Del.C. §1307 (a)(5), (a)(6), (a)(7), and (a)(8).

4. On or about September 3, 2010, the City filed its Answer and New Matter.

AFSCME responded to the City's New Matter on September 8, 2010.

5. A Probable Cause Determination was issued on September 15, 2010, which directed briefing on the legal issues raised in the Charge and AFSCME's Motion for Judgement on the Pleadings. Thereafter, a decision was issued denying both AFSCME's Motion for Judgement on the Pleadings and the City's Counter-Motion for Judgement on the Pleadings. A hearing was scheduled for April 6, 2011. At the request of the City, and without objection from AFSCME, the hearing was postponed and the Charge held in abeyance.

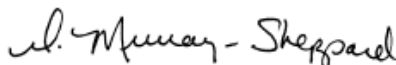
6. The Charge remained in abeyance while the parties engaged in extended negotiations for successor collective bargaining agreements to the predecessor agreements which expired on June 30, 2010 and December 31, 2009, respectively. They ultimately successfully concluded the negotiations and entered into collective bargaining agreements on December 1, 2015, which are effective through June 30, 2018. That settlement also resolved the issues raised in this Charge.

7. By letter dated January 6, 2017, AFSCME confirmed that the Charge may be administratively dismissed.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: January 24, 2017



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