STATE OF DEAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE, LODGE No. 5,)	
Charging Party,)	
v.) <u>ULP No. 18-04-11</u>	<u>46</u>
NEW CASTLE COUNTY, DELAWARE,	Order of Dismissal	
Respondent.)	

Appearances

Ronald Stoner, Esq., for FOP Lodge 5

Laura Hay, Esq., Assistant County Attorney, for New Castle County

- 1. New Castle County, Delaware ("County") is a public employer within the meaning of 19 <u>Del.C.</u> §1602(l) of the Police Officers and Firefighters Employment Relations Act, 19 <u>Del.C.</u> Chapter 16 ("POFERA"). The New Castle County Police Department ("NCCPD") is an agency of the County.
- 2. Fraternal Order of Police ("FOP") is an employee representative within the meaning of §1602(f) of the POFERA. By and through its affiliated Lodge No. 5, the FOP is the exclusive bargaining representative of police officers employed by the County at and below the rank of Senior Lieutenant. 19 <u>Del.C.</u> §1602(g).
- 3. On April 30, 2018, FOP Lodge 5 filed an unfair labor practice charge with the Public Employment Relations Board ("PERB") alleging conduct by the County in

violation of 19 Del.C. §1607(a)(1) and/or (a)(5). On May 23, 2018, the County filed its

Answer to the Charge.

4. A probable cause determination was issued by the PERB on June 5, 2018.

5. Thereafter, a hearing on the merits was conducted on June 28, 2018.

6. Following transmission of the hearing transcript and the establishment of a

schedule for filing written argument, FOP Lodge 5 requested to withdraw the charge in a

letter dated July 24, 2018, in which it stated:

Please accept this letter as FOP Lodge 5's request to withdraw its petition in the above noted matter. The testimony obtained at the

Hearing (now confirmed in the transcript) and the policy revision enacted by the Police Department after filing of the ULP has

satisfied the concerns expressed by the FOP that led to the filing

of the petition.

As a result, FOP Lodge 5 respectfully requests to withdraw the petition at this time. An email notification was sent to counsel for New Castle County yesterday for any objections to this action

and no response has been received at this point.

WHEREFORE, having received no objections, this unfair labor practice charge is

dismissed.

IT IS SO ORDERED.

Dated: July 27, 2018

DEBORAH L. MURRAY-SHEPPARD

Executive Director

Del. Public Employment Relations Bd.

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