

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

INTERNATIONAL ASSOCIATION OF FIREFIGHTERS,	:	
LOCAL 1590,	:	
	:	
Charging Party,	:	
	:	ULP No. 18-04-1145
v.	:	
	:	ORDER OF DISMISSAL
CITY OF WILMINGTON, DELAWARE,	:	
Respondent.	:	

Appearances

Jeffrey M. Weiner, Esq., for IAFF Local 1590

Tara DiRocco Gryan, Esq., Assistant Solicitor, for City of Wilmington

1. The City of Wilmington (“City”) 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”).

2. The International Association of Firefighters, Local 1590 (“IAFF”), is an employee organization and an exclusive bargaining representative, within the meaning of 19 Del.C. §§1602(g) and (h). IAFF Local 1590 represents the bargaining unit which includes all firefighters employed by the Wilmington Fire Department at and below the rank of Battalion Chief.

3. On or about April 27, 2018, the IAFF 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. §1607 (a)(3) and (a)(5).

4. On or about June 6, 2018, the City filed its Answer and New Matter. The IAFF responded to the City’s New Matter on June 14, 2018.

5. A Probable Cause Determination was issued on August 20, 2018 and a hearing was scheduled and convened on September 25, 2018.

6. As a preliminary matter, the IAFF stated its belief that the underlying issue in the Charge would be moot going forward if the City modified the 2018 Employee Declaration form to return to the residency language which had been included in the 2017 form.

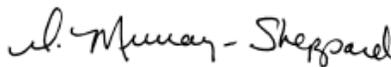
7. The City responded that it was willing to return to the 2017 language as it had stated in its Answer to ¶7 of the IAFF's Charge. In its Answer thereto, the City stated, "...Local 1590 has not suffered any harm or prejudice because no members of Local 1590 have been disciplined pursuant to the 2018 Declaration or otherwise harmed."

8. After confirming there has been no discipline issued to any IAFF 1590 bargaining unit employees since the issuance of the 2018 Declaration, the IAFF agreed to have this Charge dismissed, reserving its right to refile with a waiver of statutory timelines, if a firefighter is disciplined based on a violation of the revised residency language during the balance of this year.

WHEREFORE, this unfair labor practice charge is hereby dismissed, without prejudice.

IT IS SO ORDERED.

DATE: September 27, 2018



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