

**STATE OF DELAWARE  
PUBLIC EMPLOYMENT RELATIONS BOARD**

<b>FRATERNAL ORDER OF POLICE, LODGE 1,</b>	:	
	:	
Charging Party,	:	
	:	<b>ULP No. 16-12-1090</b>
v.	:	
	:	
<b>CITY OF WILMINGTON, DELAWARE,</b>	:	<b>ORDER OF DISMISSAL</b>
	:	
Respondent.	:	

APPEARANCES

*Jeffrey M. Weiner, Esq., for Charging Party, FOP Lodge 1*

*Tara M. DiRocco, Asst. Solicitor, for Respondent, City of Wilmington*

1. The City of Wilmington (City) is a public employer within the meaning of §1602(p) of the Police Officers’ and Firefighters’ Employment Relations Act, 19 Del.C. Chapter 16 (POFERA).
2. The Fraternal Order of Police, Lodge 1 (FOP), is an employee organization and an exclusive bargaining representative, within the meaning of 19 Del.C. §§1602(g) and (h). The FOP represents the bargaining unit which includes all officers of the Wilmington Police Department below the rank of Captain.
3. The City and FOP Lodge 1 are parties to a collective bargaining agreement for this bargaining unit, which has a term of July 1, 2011 through June 30, 2016.
4. On December 20, 2016, the FOP filed an unfair labor practice charge with the Public Employment Relations Board (PERB) alleging conduct by the City in violation of 19 Del.C. §1607(a)(1), (a)(2), (a)(5) and/or (a)(6). The City filed its Answer and New Matter on January 6,

2017. The FOP filed its response to the New Matter on January 13, 2017.

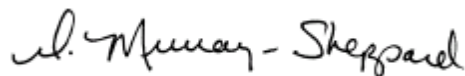
5. A probable cause determination and order of deferral was issued on February 27, 2017, finding the pleadings were sufficient to establish that the City may have violated 19 Del.C. §1607 (a)(1), (a)(2) (a)(5), and/or (a)(6), as alleged.

6. Resolution of the charge was deferred to the parties' negotiated grievance and arbitration procedure, because the allegations turned on application and interpretation of the terms of the collective bargaining agreement. PERB retained jurisdiction over the Charge for the limited purpose of entertaining a timely and appropriate motion from either party that:

- 1) the arbitration award failed to resolve the statutory claim;
- 2) the arbitration resulted in an award which was repugnant to the PERA;
- 3) the arbitral process was unfair; and/or
- 4) the dispute was not being resolved by arbitration with reasonable promptness.

7. The arbitration decision was issued on May 5, 2017. There having been no further action by either party, this charge is dismissed in its entirety.

DATE: March 12, 2019



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