

STATE OF DELAWARE
PUBLIC EMPLOYMENT RELATIONS BOARD

FRATERNAL ORDER OF POLICE, LODGE NO. 11	:	
	:	
Charging Party,	:	
	:	<u>ULP No. 22-04-1299</u>
v.	:	
	:	ORDER OF DISMISSAL
STATE OF DELAWARE, DEPARTMENT OF SAFETY	:	
AND HOMELAND SECURITY, CAPITOL	:	
POLICE,	:	
	:	
Respondent.	:	

APPEARANCES

Sr. Cpl. Robert J. Johnson, President, FOP Lodge No. 11
Thomas J. Smith, DHR/DLREP, for DSHS/Capitol Police

BACKGROUND

1. The State of Delaware (“State”) is a public employer within the meaning of §1602 (13)(a) of the Police Officers’ and Firefighters’ Employment Relations Act, 19 Del. C. Chapter 16 (“POFERA”). The Department of Safety and Homeland Security (“DSHS”) is an agency of the State. The Capitol Police Department falls under DSHS.

2. Fraternal Order of Police Lodge No. 11 (“FOP Lodge 11”) is an employee organization within the meaning of 19 Del. C. §1602 (7). It is the exclusive bargaining representative of the unit of sworn Capitol Police Officers up to and including the rank of Sergeant, within the meaning of 19 Del. C. §1602 (8). DOL Case 153.

3. On April 14, 2022, FOP Lodge 11 filed an unfair labor practice charge with the Public Employment Relations Board (“PERB”) alleging conduct by DSHS in violation of 19 Del.

C. §1607(a)(5)¹

4. Prior to the State filing an Answer to the Charge, the parties agreed to extensions in order to allow for settlement discussions.

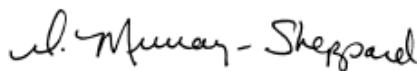
5. By email dated June 10, 2022, FOP Lodge 11 notified PERB that the parties had reached a tentative settlement agreement. It requested to withdraw its charge upon finalization of that agreement.

6. By email dated August 16, the State provided confirmation that the issues in this Charge have been resolved to the mutual satisfaction of the parties.

WHEREFORE, this unfair labor practice charge is hereby dismissed.

IT IS SO ORDERED.

DATE: August 22, 2022



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

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

(5) Refuse to bargain collectively in good faith with an employee representative which is the exclusive representative of employees in an appropriate unit.