

State of Delaware
Public Employment Relations Board

<i>Fraternal Order of Police, Lodge 22</i>	)	
	)	
Charging Party,	)	
	)	
vs.	)	ULP No. _____
	)	
City of Lewes,	)	
	)	
Respondent	)	
	)	
	)	
	)	

UNFAIR LABOR PRACTICE CHARGE

Charging Party, Fraternal Order of Police, Lodge 22 (“FOP”), hereby files this Unfair Labor Practice (“ULP”) Charge against Respondent, City of Lewes (“City” or “Respondent”), and states as follows:

1. FOP is an employee organization within the meaning of Title 19 Del. C. §1602(7) of the Police Officers and Firefighters Employment Relations Act (POFERA) and is the exclusive representative of a bargaining unit of City of Lewes Police employees, rank of Police Officer Up to and including the rank of Lieutenant. For the purposes of this petition the address of the Charging Party is 88 Mary Anna Drive, Dover Delaware 19901.
2. Respondent is a public employer within the meaning of 19 Del. C. §1602(13)a (“POFERA”). The address for the Respondent is Lewes City Hall, 114 E 3rd St, Lewes, DE 19958.
3. On 6/11/25 a grievance was filed with the City of Lewes alleging violation of the Collective Bargaining Agreement between the City of Lewes and FOP Lodge #22,

specifically Article 26, Posting of Modifications and Amendments. (Grievance is attached with its attachments)

4. On 6/30/25, the Lewes Chief of Police denied the grievance at step 1. On 7/14/25, the Lewes City Manager denied the grievance at step 2. On 7/18/25, the FOP sent a request for step 3 before the Mayor and Council.

5. On 8/13/25, the Mayor sent a draft agenda for the step 3 hearing to the FOP. The FOP objected to some of the provisions in the draft agenda and sent the Mayor our concerns and input. It was during the negotiations on ground rules and agenda for the step 3 hearing that a resolution to the grievance was discussed.

6. On 9/9/25 the City and the FOP came to an agreement on the framework to resolve the grievance in its entirety. At this point the Mayor needed additional time to work out the details on how to implement the agreement.

7. On 9/12/25, a press release was issued by the City advising a resolution of the grievance had been agreed upon by the City and the FOP. A pertinent part of the press release was, "The City Manager and Chief, **in consultation with the Mayor and Council and the FOP**, will develop a framework for succession planning within the police department and will review and update departmental policies regarding career elevation, promotional steps, and workforce procedures to ensure consistency, transparency, and fairness moving forward". (emphasis added)

8. Over the course of the next year the City Manager has developed a promotional policy without direct input from the FOP contrary to the 9/12/25 agreement between the parties.

9. In August 2026 the FOP reached out to the City about the lack of progress on the promotional policy and the lack of inclusion of the FOP in the ongoing process.

The FOP requested a meeting with the Mayor to discuss the lack of progress and the FOP not being consulted.

10. It was the FOP's impression that Human Resources was going to schedule a meeting with the Mayor, per the Mayor but the Human Resources Manager advised that a meeting with the Mayor was not possible.

11. On 9/1/26, the FOP reached out to the Mayor who advised that she would get back to the FOP at weeks end.

12. On 9/4/26, the Mayor called the FOP to advise that she needed Council's approval to meet with us and that she was working on getting that approval. No further contact was made by the Mayor to the FOP as of 9/28/26.

13. On 9/23/26, an email was sent out by the HR Manager that a meeting to discuss the promotional policy with the hopes of concluding the review process was sent to the City Manager and Chief of Police. The FOP was not notified or consulted.

14. By these actions the City of Lewes has committed an Unfair Labor Practice in its duty to comply with POFERA 19 Del. C. § 1607 (a) (2), §1607 (a) (5) and § 1607 (a) (6) in that the City has interfered with the administration of the FOP by undermining our ability to represent our member in the contractual grievance procedure, by refusing to bargain in good faith by failing to follow through on the settlement to the grievance and conducting themselves in a manner that violates the spirit of Title 19 Chapter 16.

15. Wherefore, the FOP requests the PERB to take the following action:

- a. Issue an Order requiring the City to honor the settlement to the grievance by giving the FOP a seat at the table in formulating the promotional policy at the heart of the grievance.

Respectfully submitted,

Timothy P. Mullaney Sr., Esq
FOP Lodge #22 Representative