

RES 17-048

Wilmington, Delaware  
June 15, 2017

#4383  
Sponsors:

Council  
Members  
Walsh  
Freel

**WHEREAS**, on October 20, 2016, the Council passed Resolution No. 16-080, which approved a collective bargaining agreement (“CBA”) between the CITY OF WILMINGTON, a municipal corporation of the State of Delaware, and THE FRATERNAL ORDER OF POLICE LODGE #1 (Rank and File);

**WHEREAS**, the Council deems it necessary and appropriate to approve a minor amendment to the CBA (“Amendment”); and

**WHEREAS**, the Amendment revises the timeline for addressing grievances to extend the time for a meeting with the Chief of Police and Human Resources upon appeal of a grievance decision by a division commander from 5 days to 30 days.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILMINGTON** that the Amendment to the CBA, a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor, his designee, and the City Clerk are hereby authorized and directed to execute as many copies of the said Amendment as may be necessary.

Passed by City Council,  
June 15, 2017

ATTEST: Maribel Seijo  
City Clerk

Approved as to form this  
14 day of June, 2017

William B. Gann Jr.  
Assistant City Solicitor

**SYNOPSIS:** This Resolution approves an amendment to the collective bargaining agreement (“CBA”) between the City of Wilmington and the Fraternal Order of Police Lodge #1 (Rank and Title). The CBA was approved by Council October 20, 2016. The Amendment revises the timeline for addressing grievances to extend the time for a meeting with the Chief of Police and Human Resources upon appeal of a grievance decision by a division commander from 5 days to 30 days.

#### **FISCAL IMPACT STATEMENT**

The CBA amendment has no fiscal impact on the City.

**Section 4.3.** The aggrieved employee shall file with his immediate supervisor a written statement explaining the grievance, the specific contract provision involved, the manner in which the contract has been violated and the remedy sought. The aggrieved employee shall file the grievance within ten (10) working days of the date of the grievance, or when the employee obtains knowledge or should have obtained knowledge of its occurrence. The immediate supervisor shall discuss the grievance with the aggrieved employee in an attempt to adjust the matter, and shall reply, in writing, to the employee within three (3) working days of the filing of the grievance.

**Section 4.4.** If, after receipt of the written decision of the immediate supervisor, the grievance has not been satisfactorily resolved, the aggrieved employee has three (3) working days to file a written appeal with his division commander. Within three (3) working days, the division commander shall discuss the grievance with the employee and respond to the employee in writing.

**Section 4.5.** If, after receipt of the written decision of the division commander, the grievance has not been satisfactorily resolved, the aggrieved employee shall, within three (3) working days, file a written appeal to the Chief of Police. Within thirty (30) calendar days after the receipt of the written appeal, the grievance shall be discussed with the Chief of Police and the Director of Human Resources or designated representative. The aggrieved employee has the right to take a member of FOP Lodge #1 of his choice to this hearing. At such meeting, discussion shall be limited to the issues raised in the grievance complaint and an earnest effort shall be made to arrive at a satisfactory resolution of the issue. The Director of Human Resources shall make notes and memoranda of the substance of the issues and conclusions of the meeting. The Director of Human Resources/Designee and the Chief of Police shall respond in writing within five (5) working days of the conclusion of the meeting.