

the statutory language "an administrative assistant" in 11 O.S. 2001 § 51-102(1) is that the fire chief does not have a mandatory duty to designate an administrative assistant. Rather, the fire chief has the prerogative to designate an administrative assistant.

The Board concludes that the City has not designated Butler "an administrative assistant" and, therefore, he is a member of the unit.

After the Board's ruling, at the hearing, the Board's Administrator opened and counted the ballots. The election results were that three firefighters voted for decertification and three firefighters voted against decertification.

The parties are directed to brief the following issues: (i) whether a three to three vote is sufficient to decertify the union, and (ii) whether a free and untrammelled election could have been conducted. The parties are to include in their briefing of the latter issue a factual and legal discussion of all of the unfair labor practices raised by the Union.

Dated: January 16, 2008



Craig W. Hoster, Chair
Public Employees Relations Board