

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD  
STATE OF OKLAHOMA

Public Employees Relations Board

INTERNATIONAL ASSOCIATION )  
OF FIREFIGHTERS, LOCAL 2962, )

Complainant, )

v. )

CITY OF BROKEN BOW, OKLAHOMA, )

Respondent. )

OCT 31 2007

Case No. 00446

**ORDER**

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 11th day of October, 2007, on the Motion for Partial Summary Judgment filed by the Respondent City of Broken Bow, Oklahoma (the "City"), regarding abandonment of representation. The City appeared by and through its attorneys, Frank B. Wolfe, III and D. Kenyon Williams, Jr. The Complainant International Association of Firefighters, Local 2962 (the "Union" or "Local 2962") appeared by and through its attorney, Steven R. Hickman.

The Union brought this action alleging that the City "unilaterally without the benefit of negotiation instituted a number of changes in working conditions in retaliation for the members exercising their rights guarantee by statute" in violation of 11 O.S. 2001 § 51-102(6)(6a)(1), (2), (3) and (5) and 11 O.S. 2001 § 51-111 of the Fire and Police Arbitration Act, 11 O.S. 2001 & Supp. 2007 §§ 51-101 *et seq.* (the "FPAA"). The City argued in its motion that it is entitled to judgment as a matter of law on its motion for partial summary judgment because Local 2962 was not properly formed in 1985 or thereafter and because the union's twenty-two years of abandonment of its certified representation obligations deprived it of a presumption of majority support. The Union

argued in its response that the City's motion for partial summary judgment should be denied because there had been no abandonment of representation by the union.

"Summary judgment is appropriate only where it appears that there is no substantial controversy as to any material fact and that one party is entitled to judgment as a matter of law." *Post Oak Oil Co. v. Stack & Barnes, P.C.*, 913 P.2d 1311, 1313 (Okla. 1996). Substantial controversy does exist as to whether the union was properly formed and whether the union abandoned representation. Because substantial controversy exists as to material facts, the City is not entitled to judgment as a matter of law, and the City's motion for partial summary judgment should be and is hereby denied.

Dated: October 31, 2007



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Craig W. Foster, Chair  
Public Employees Relations Board