

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

FILED

IN RE: PETITION TO DECERTIFY IAFF,)
LOCAL 2962, CITY OF BROKEN BOW)

Case No. 12417-D

MAY 8 2008
Public Employees Relations
Board

ORDER

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 10th day of April, 2008. The City/Intervenor 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 City filed a motion seeking sanctions based on the Union's failure to file a signed Final Pre-Hearing Order by the deadline set by the Board of March 24, 2008.

The Board has adopted rules to provide for the orderly administration of the Fire and Police Arbitration Act. OAC 585:2-1-1, *et seq.* These rules are intended to aid in the efficient operation of the Board. Failure of any party to comply with these rules or orders of the Board may result in the Board dismissing a charge or taking other appropriate action. OAC 585:2-3-7.

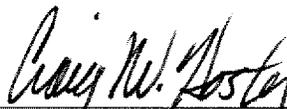
At the hearing on March 13, 2008, the Board directed the Union to submit a signed Final Pre-Hearing Order to the Board by March 24, 2008. This directive was also set out in a letter dated March 14, 2008, sent by the Board's Administrator to the parties. This matter was set for hearing on April 10, 2008. A timely Final Pre-Hearing Order is necessary for the orderly administration of the Act and the efficient operation of the Board.

Under the provisions of OAC 585:2-5-7(d), the proposed Final Pre-Hearing Order to be submitted by the Complainant, the Union, is to include a final list of witnesses and a final list of exhibits. Failure to timely file such proposed order may result in the dismissal of the unfair labor

practice charge. OAC 585:2-5-7(j). On March 28, 2008, four days after the deadline, the Union filed its (i) Final Pre-Hearing Order, (ii) Witness List, (iii) List of Exhibits, and (iv) Statement of Relevant Facts in Dispute. The Union did not file a motion for extension of time or seek leave to file these documents out of time. *See*, OAC 585:2-5-3(a) (motions for extension of time must be filed before the due date).

The Union failed to comply with the rules and orders of the Board on multiple occasions and sanctions are warranted. The Board, having considered the evidence presented by the Union and by the Intervenor, hereby dismisses the Union's ULP's Nos. 446, 452, 453, 454 and 455.

Dated: May 8, 2008



Craig Hoster, Chair
Public Employees Relations Board



Linda Samuel-Jaha, Member
Public Employees Relations Board

Member Larry Gooch dissented.