

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD  
STATE OF OKLAHOMA

FILED

MAR 10 2011

Public Employees Relations  
Board

FRATERNAL ORDER OF POLICE, )  
LODGE 93, )  
 )  
Complainant, )  
 )  
v. )  
 )  
CITY OF TULSA, Oklahoma, and )  
DEWEY BARTLETT, Mayor, )  
 )  
Respondents. )

PERB No. 2010-ULPC-490

ORDER

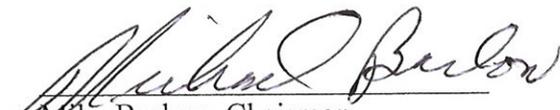
This matter comes before the Public Employees Relations Board (“Board”) on the unopposed Motion of the Fraternal Order of Police, Lodge 93, to Defer to the Arbitration Award earlier issued in this matter. The Unfair Labor Practice Charge filed by the FOP against the City of Tulsa charged that Respondent City violated Section 51-102(6a)(5) of the Fire and Police Arbitration Act by laying off and later recalling Officers in the wrong order during a reduction in force, in violation of the collective bargaining agreement between the City and the FOP.

The parties previously engaged in a grievance arbitration case styled *In the Matter of City of Tulsa v. Fraternal Order of Police, Lodge 93, RE: Reduction in Force and CBA Provisions*, (FMCS Case No. 10-56934-8) in which the same allegations of unilateral action in violation of the CBA were raised and litigated. The Arbitrator in **FMCS Case No. 10-56934-8** rendered a final and binding Arbitration Award finding that the City had violated the contract by laying off and recalling the Officers in the wrong order. He ordered that the Officers are to be “made whole for the loss of pay and benefits less any severance pay received for period of layoff.” (Award, p. 8.) The City has not yet complied with the Arbitrator’s Award.

Pursuant to the unopposed request of the Fraternal Order of Police, Lodge 93, the Board hereby defers to the Arbitration Award in **FMCS 10-56934-8**. Based on said deferral, the Board hereby enters this Order that City shall henceforth comply with all provisions of the Fire and Police Arbitration Act, and specifically with Section 51-102 (6a)(5), and shall CEASE AND DESIST from refusing to bargain collectively and from making unilateral changes to the existing collective bargaining agreement between the parties.

IT IS SO ORDERED.

Dated this 10 day of March, 2011.



Mike Barlow, Chairman

Oklahoma Public Employees Relations Board

