



Oklahoma Public Employees Relations Board

Minutes of
May 13, 2010
9:00 a.m.
Regular Meeting

Approved 6-10-10

Pursuant to the legal notice required by the Oklahoma Open Meeting Act, including the posting of notice and agenda, required by the terms thereof, the Public Employees Relations Board met at the Agriculture Building, First Floor, 2800 N Lincoln Boulevard, Oklahoma City, 73105.

Call to Order

Chairman Barlow called the meeting to order at 9:00 a.m. and took notice of the Administrative Procedures Act, and assured that the meeting was in compliance with the Open Meeting Act.

Members present were Chairman Barlow, Members Larry Gooch and Max Speegle. Also present were Assistant Attorney General Gretchen Harris, Debbie Tiehen, PERB Administrator, City Attorneys Sharolyn Whiting-Ralston, Gerald Bender, Steve Cousparis and Union Attorney Steve Hickman.

Board Members and staff introduced themselves. Chairman Barlow then stated the agenda for the day's meeting.

The Board took up agenda item V., PERB Case No. 00473, Fraternal Order of Police, Lodge 93 v. City of Tulsa concerning Union's Motion for Summary Judgment and City's Cross Motion for Summary Judgment and called for appearances; Mr. Bender (appearing for Tony Puckett) for the City of Tulsa who had an announcement to make.

Mr. Bender stated that he had spoken with both Mr. Moore and Mr. Puckett and that the parties had reached an agreement and that they were in the process of working out the details on getting the reimbursement back to the police officers by the end of May. He requested the Board put this case on next month's agenda for an announcement to come that the parties have resolved the issue.

Mr. Gooch moved to continue the case, Mr. Speegle seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

Mr. Speegle moved to approve the Minutes of the April 8th Board Meeting, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

The Board took up agenda item IV. discussion and possible action concerning the Board's authority to delegate to the Administrator the issuance of complaints of new unfair labor practice charges.

Assistant Attorney General Gretchen Harris reported that the language written in the Fire Police Arbitration Act in 1977 is different from the language of the Municipal Employee Collective Bargaining Act written in 2003; pursuant to Title 11, Section 51-104(B), the "board" shall have the power to issue and cause to be served upon such person a complaint so there is a "board function" in the statute. She stated that the ultimate cure would be to get the statute changed to bring the 1977 language to suit the current times if that is the will of the board and the Legislature. It was her opinion, based on research, that the Board cannot delegate the issuance of complaints to Ms. Tiehen as an action to move the cases ministerially forward.

The Board took up agenda item No. 2009-ULPC-480, the International Association of Fire Fighters v. the City of Tulsa concerning Union's Motion for Summary Judgment.

The Board called for appearances; Steve Hickman for the Union, Gerald Bender and Steve Cousparis for the City of Tulsa.

After oral argument between the parties and questions from the Board, Mr. Gooch moved to enter into executive session, Chairman Barlow seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

(Executive Session)

Chairman Barlow moved to return to open session, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

Back in open session, Chairman Barlow agreed to extend the motion for deadlines and determined that the filing for City's Response be submitted by the end of the business day (May 13th) and the Union's Reply to the Response be filed by May 24th.

Mr. Speegle moved to continue this case until the next board meeting, June 10, 2010, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

The Board took up agenda item VII., PERB Case No. 2009-ULPC-481, the International Association of Fire Fighters (IAFF) v. City of Broken Arrow concerning City's Motion for Summary Judgment.

The Board called for appearances; Sharolyn Whiting-Ralston for the City, Steve Hickman for the Union.

After oral argument between the parties and questions from the Board, Mr. Gooch moved to enter into executive session, Mr. Speegle seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

(Executive Session)

Chairman Barlow moved to return to open session, Mr. Speegle seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

Back in open session, Chairman Barlow moved to deny City's Motion for Summary Judgment, Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

Chairman Barlow asked Mr. Hickman to prepare the order denying City's Motion for Summary Judgment and Mr. Hickman agreed to write the order.

The Board discussed the contract received from the Attorney General's Office for the Assistant Attorney General's services for the fiscal year 2011.

Chairman Barlow reported that he had a meeting with Senator Coffee to discuss the PERB Budget and asked that the budget be increased to \$150,000 to cover the PERB's operational costs and statutory mandates.

Mr. Gooch moved to approve subject of funding, Mr. Speegle seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

The Board discussed the report compiled by the Administrator on fees charged by other PERB Agencies across the nation.

Mr. Speegle suggested Representatives who practice before the Board, one from the City and one from the Union, be advised of PERB's need to charge a fee for service and have the representatives write a letter to the legislature in support of the idea to charge filing fees for fiscal year 2012.

Ms. Harris added that there be a charge for hiring a court reporter to transcribe hearings and inform parties of the charge should they need more than an audio of the hearing and the parties should bear the expense of a transcription.

Ms. Tiehen announced she would be holding a Representation Election for the fire fighters in the City of Catoosa.

Mr. Gooch moved to adjourn, Chairman Barlow seconded the motion, the motion passed and the vote was:

Mr. Gooch – aye Mr. Speegle – aye Chairman Barlow – aye

The meeting adjourned at 11:09 a.m.