



Oklahoma Public Employees Relations Board

Minutes of
April 9, 2009
9:30 a.m.
Regular Meeting

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 Board Room, 2800 N Lincoln Boulevard, Oklahoma City, 73105.

Call to Order

Chair Hoster acknowledged a quorum and called the meeting to order at 9:30 a.m., stated the agenda for today's meeting, took notice of the Administrative Procedures Act, and assured that the meeting was in compliance with the Open Meeting Act.

The Board Members introduced themselves. Members present were Chair Craig Hoster, Members Larry Gooch and Linda Samuel-Jaha. Also present were Debbie Tiehen, PERB Administrator, Attorneys Sue Wycoff, Doug Vernier, Steve Hickman, Tony Puckett, Mary Lockhart, Raymond Vincent, Ted Pool, Larry Simmons, Timothy Wilson and Todd Court.

The Board took up agenda item III, Public Employees Relations Board Case No. M1414, American Federation of State, County and Municipal Employees' (AFSCME) Petition for Certification of Tulsa's Information Technology and Information Systems Department.

The Board called for appearances; Mary Lockhart for the City of Tulsa and Sue Wycoff for AFSCME.

Chair Hoster noted there were two lists submitted to the board members; the Union's List containing 112 employees and the City's List containing 53. He asked for an explanation from city counsel as to why the discrepancy of numbers in their list.

Ms. Lockhart explained that all others in the department were supervisors or confidential employees.

Chair Hoster asked if the City had posted notice of the petition.

Ms. Lockhart confessed that the City had not posted notice and explained that it was an oversight, not intentional.

Mr. Gooch moved to enter executive session, Chair Hoster seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

(executive session)

Returning to open session by unanimous vote of the board members, the Board directed the Administrator to count the submitted cards against the list of employees submitted by the City's List of 53 and Union's List of 112 and, meeting the statutory requirements based upon validating the evidence that a majority of the municipal employees in the Information Technology and Information Systems Department desire to have AFSCME as their collective bargaining representative, proceed with the certification process.

The City objected to the Board using two lists to certify on the basis that it would not be in compliance with the statutes. Ms. Lockhart asked the Board to use only the City's List.

The Union asked that the PERB instruct the City to supply the Board with an appropriate list and

immediately post the petition notice in an area where all IT and ISD employees are housed.

Acknowledging City's request that the Board use only the City's List, Chair Hoster moved that the Administrator count the submitted cards against the list of 53 employees submitted by the City and Union's List of 112 and, meeting the statutory requirements based upon validating the evidence that a majority of the municipal employees in the Information Technology and Information Systems Department desire to have AFSCME as their collective bargaining representative, proceed with the certification process, Mr. Gooch seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took up agenda item IV, PERB Case No. M1405, Communication Workers of America (CWA) v. City of Broken Arrow regarding disputed positions.

The Board called for appearances; Steve Hickman for the CWA, Tony Puckett for the City of Broken Arrow.

Both parties briefed the Board on the status of disputed positions; there were four positions, five employees and all regarding supervisory status.

After oral argument and questions from the Board, Chair Hoster moved to enter executive session, Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

(executive session)

Returning to open session by unanimous vote of the board members, Mr. Gooch moved that, in regard to the disputed positions, the Utility Service Supervisor and the Meter Reader Supervisor be included in the unit and the Utilities Supervisor(s) and Traffic Control Manager be excluded from the unit; Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took up agenda item V, PERB Case No. M1410, AFSCME v City of Tulsa concerning disputed positions.

The Board called for appearances; Sue Wycoff for AFSCME, Tony Puckett for the City of Tulsa.

The parties proceeded with oral argument concerning the City's Motion to Strike Union's Response Brief as well as the disputed positions.

After argument, discussion and questions from the Board, Ms. Samuel-Jaha moved to enter into executive session, Mr. Gooch seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

Returning to open session by unanimous vote of the board members, Ms. Samuel-Jaha moved that the two medical positions in Human Resources be included in the unit and request that the parties submit additional evidence relative to the specifics regarding the remaining payroll clerk positions; Mr. Gooch seconded the motion, the motion passed and the vote was:

Chair Hoster – abstain Mr. Gooch – aye Ms. Samuel-Jaha – aye

For clarification purpose, Mr. Gooch asked if there were more positions in dispute other than the payroll clerks.

Mr. Puckett informed the Board that the Office Administrator under Finance was in dispute.

Ms. Samuel-Jaha amended her motion to include the remaining payroll clerks as well as the office administrator under Finance, Mr. Gooch seconded the motion, the motion passed and the vote was:

Chair Hoster – abstain Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took up agenda item VI, PERB Case No. 011-PPC, IBEW v City of Stillwater regarding City's Motion to Dismiss.

Mr. Hickman suggested that item VI and item VII (Case No. 012-PPC, CWA v City of Stillwater) be discussed together as they are similar.

The Board called for appearances; Larry Simmons for the City of Stillwater, Doug Vernier for AFSCME and Steve Hickman for the CWA.

After lengthy oral argument and questions from the Board, Chair Hoster moved to enter into executive session, Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

(executive session)

Returning to open session by unanimous vote of the board members, Chair Hoster moved that in Case No. 011-PPC, City's Motion to Dismiss be denied; Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

Chair Hoster moved that in Case No. 012-PPC, City's Motion to Dismiss be Denied; Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took a 5 minute break.

Back from the break, the Board took up agenda item VIII, PERB Case No. 00475, Jeff Lane v City of Choctaw regarding City's Motion to Dismiss.

The Board called for appearances; Raymond Vincent and Ted Pool for the City of Choctaw and Sue Wycoff for Jeff Lane.

After lengthy oral argument between the parties and questions from the Board, Chair Hoster moved to enter into executive session, Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

(executive session)

Returning to open session by unanimous vote of the board members, Mr. Gooch moved the City of Choctaw's Motion to Dismiss be denied, Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – nay Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took up agenda item IX, PERB Case No. 00469, City of Lawton v IAFF regarding Union's Motion for Summary Judgment.

The Board asked for appearances; Todd Court for the City of Lawton, Steve Hickman for the IAFF.

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

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

(executive session)

Returning to open session by unanimous vote of the board members, Chair Hoster moved that the Union's Motion for Summary Judgment be denied and that the City's Cross-Motion for Summary Judgment be granted; Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took up item X, PERB Case No. 00445, IUPA v City of Shawnee regarding the Joint Motion to Enter a Consent Order.

Mr. Gooch moved that the Joint Motion to Enter a Consent Order be signed, Chair Hoster seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

Next, the Board took up agenda item XI, approval of the minutes of the Board Meeting held February 12, 2009.

Mr. Gooch moved to approve the February 12 Minutes, Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

The Board took up the last item on the agenda, item XII concerning New Business.

The members discussed the letter sent by the Attorney General's Office informing the Board that PERB's assigned Assistant Attorney Brinda White will no longer be attending the board meetings and writing the Board's Orders and Decisions because of her time constraints.

Mr. Gooch asked if the members would be interested in attending a meeting with Attorney General Drew Edmondson if it could be arranged; the members were in agreement they would like to attend such meeting.

Chair Hoster moved to adjourn the meeting, Ms. Samuel-Jaha seconded the motion, the motion passed and the vote was:

Chair Hoster – aye Mr. Gooch – aye Ms. Samuel-Jaha – aye

Meeting adjourned at 2:25 pm.

Note: Minutes of all executive sessions are kept in a confidential file in the PERB Office.

