



Oklahoma Public Employees Relations Board
Minutes of
January 13, 2011
2800 N. Lincoln, Agriculture Bldg, First Floor Board Room
9:00 a.m.
Regular Meeting

Minutes Approved 03-10-11

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.; he took notice of the Administrative Procedures Act and announced 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 Bryan Neal, Debbie Tiehen, PERB Administrator, City Attorneys Tony Puckett, Gerald Bender, Richard Mahoney, Kevin Hill, Ricky Knighton and Union Attorneys James Moore and Jarrod Leaman.

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

Mr. Gooch moved to approve the Minutes of the December 16, 2010 Board Meeting, Mr. Speegle 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., PERB Case No. 2010-PPC-018, AFSCME, Local 2875 v. City of Norman and John Bowman.

The Board called for party appearances; Jarrod Leaman for AFSCME, Tony Puckett for the City and John Bowman.

Mr. Leaman requested the Board move this hearing to the March 10th docket as the parties needed more time to possibly settle the case.

Mr. Gooch moved for a continuance in the case, Chairman Barlow 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 V., PERB Case No. 2010-ULPC-493, the IAFF, Local 157 v. City of Oklahoma City.

The Board called for party appearances; Kevin Hill for the IAFF, Richard Mahoney for the City of Oklahoma City.

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

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

(Executive Session)

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

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

Mr. Gooch moved that the Union's Motion for Summary Judgment be granted under the Fire and Police Arbitration Act, Section 51-108, the last best offer should be a statement of resolved and unresolved issues only and nothing that should be brought to an arbitration case. Mr. Speegle seconded the motion, the motion did not pass and the vote was:

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

Mr. Speegle explained that he believed that the ULP was barred by the statute of limitations as indicated on the face of the ULP that stated it had occurred August 19, 2010 and the charge was not filed within a six month period.

Chairman Barlow made a motion to Grant the City's Motion for Summary Judgment; taking the totality of the situation, the language change that was presented was not in bad faith nor was it intended to frustrate the bargaining process, but was made to clarify the bargaining process and was not an actual change in language that would have the effect of bad faith bargaining. Mr. Speegle seconded the motion, the motion passed and the vote was:

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

Mr. Gooch explained that he voted no because he believed it was a substantial change in language and ambiguous at best; it could cause problems in the future and for the PERB in future cases.

The Board took up agenda item VI., PERB Case No. 2010-ULPC-490, FOP v City of Tulsa and Dewey Bartlett.

The Board called for appearances; James Moore for the FOP, Gerald Bender for the City of Tulsa and Dewey Bartlett.

Mr. Neal, Assistant Attorney General for the Board, asked Mr. Moore that now that this matter has been litigated in the District Court of Tulsa County and that it had been admitted that the respondents are in compliance with the decision of the Judge and in compliance with the collective bargaining agreement, did not lay-off the four named officers, what did the parties ask of the PERB to do?

Mr. Moore responded that the reason that order was in the exhibit file was because of the legal issue and the relationship between the contract and the charter and the positions of the parties. He added that in the original lay-off, it included 155 officers and the four most senior and the FOP took the position that they should not have been laid-off because there were four less senior officers and that the order of seniority was wrong. The court granted the injunction and said that the collective bargaining agreement does super-cede the charter and that those four should not be laid-off, the other four should; shortly after, the City reduced the lay-off from 155 to 124 and it became moot as to those four. It then affected other officers down the list and the Union did not have time to file another injunction as to those specific officers. It's moot as to the four they sought injunction for, but it is not moot as to the other officers later affected by the same problems with seniority. He explained that the Union and City have begun discussions involving the lay-offs as well as promotions and he requested the Board pass this case to grant more time to wrap the issues and have a hearing before the Board in March.

Mr. Speegle moved the case be moved to March 10th, Mr. Gooch seconded the motion and the

motion passed; the vote was:

Page 3

Board Minutes

01-13-11

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

The Board took up agenda item VII., discussion and possible action on approval of the General Order concerning the delegation of authority to PERB Administrator for issuance of complaints as drafted by Mr. Neal.

Mr. Gooch moved to approve the General Order, Mr. Speegle seconded the motion, the motion passed and the vote was:

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

Ms. Tiehen announced the status of recent cases filed.

Chairman Barlow announced the March 10th Board Meeting and that the two cases that requested continuances today would be on that agenda.

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

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

Meeting adjourned at 10:59 a.m.