



Oklahoma Public Employees Relations Board
Minutes of
April 14, 2011
2800 N. Lincoln, Agriculture Bldg, First Floor Board Room
9:00 a.m.
Regular Meeting

Approved 5-12-11

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 Charles Plumb and Margaret Love; Union Attorney Steve Hickman, McAlester City Manager Peter Stasiak and President of the Professional Firefighters of Oklahoma, Rick Beams.

Board Members and staff introduced themselves and Chairman Barlow stated the agenda for the day's meeting and noted the date of this meeting, April 14, 2011 and the time 9:02 a.m.

Mr. Gooch moved to approve the Minutes of the March 10, 2011 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., the evidentiary hearing of Case No. 2010-ULPC-497, the International Association of Firefighters (IAFF), Local 2284 v. the City of McAlester and Case No. 2010-ULPC-497CC, the City of McAlester's Counter Charge.

The Board called for party appearances; Steve Hickman for the IAFF and Charles Plumb for the City of McAlester.

Mr. Hickman introduced his witness, Rick Beams, President of the Professional Firefighters of Oklahoma (PFFO) and Mr. Plumb introduced his witness, Peter Stasiak, City Manager for McAlester.

Chairman Barlow asked if there were preliminary matters to settle before the hearing.

Mr. Plumb asked to invoke the rule of sequestration; there were no objections. He informed the Board that he and Mr. Hickman brought written exhibits to produce to the Board during the hearing. He also noted that the parties had requested more time to present their case (taking into consideration the City's counter charge). He requested that for purposes of clarity and the economy of time, each witness would only have to take the stand one time for testimony covering questions from both parties unless there were questions they hadn't covered previously.

The Board agreed to combine the charges for purposes of testimony.

Chairman Barlow explained the Board would admit exhibits one at a time.

Mr. Hickman gave his opening statement.

Mr. Plumb gave his opening statement.

Mr. Hickman called his witness, Rick Beams, to take the stand. Upon administration of the oath, Mr. Hickman began direct examination. During this examination, Mr. Hickman requested the Board to admit several exhibits he had prepared. Exhibits admitted into evidence at this time were; IAFF Exhibits Nos. 1-4, 6-8, and 10-23.

The Board called for a ten minute break.

Back on the record, Mr. Plumb cross-examined Mr. Beams.

After the cross-examination and questions from the Board, Mr. Beams was dismissed from the stand.

Mr. Plumb called his witness, Peter Stasiak who stated his name and his position of City Manager of McAlester. Upon administration of the oath, Mr. Plumb began direct examination.

During the course of his examination, he distributed to the Board copies of Oklahoma Statute 11, Section 51-106 concerning arbitration and Section 51-105 concerning meeting, conferring and agreements.

After cross-examination by Mr. Hickman and questions from the Board, Mr. Stasiak was dismissed from the stand.

Mr. Plumb called his second witness, Ms. Margaret Love, who explained that she was an attorney who practices employment and labor law and assists cities in negotiating contracts with unions. She stated that she was the chief negotiator for the City of McAlester. Upon administration of the oath, Mr. Plumb began his direct examination.

The Board admitted City's Exhibit No. 4.

The Board called for a 5 minute break.

Back from the break, Mr. Hickman began his cross examination of Ms. Love.

The Board admitted IAFF's Exhibit No. 27.

After cross examination from Mr. Hickman and questions from the Board, Ms. Love was dismissed from the stand.

Mr. Plumb asked if the Board would like to be further briefed on the legal and factual issues and save the closing argument to which Mr. Hickman was opposed.

Mr. Hickman gave his closing argument, Mr. Plumb gave his closing argument.

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. Gooch moved to come back into 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 that Title 11, Section 51-102 of the Oklahoma Statutes paragraph 5 requires a plurality of meetings before arbitration is invoked. The parties have both failed in the duty to bargain in good faith and have technically failed to follow the statute in that only one meeting was held before invoking the arbitration process. Both ULPS are denied and the parties are back in the positions that they were in on March 3rd, 2010. 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 V., the certification election of the permanent members of the City of Locust Grove Police Department on March 18, 2011. The Administrator reported a unanimous vote for the Fraternal Order of Police, Lodge 216.

Chairman Barlow moved to certify the Fraternal Order of Police, Lodge 216 as the representative for the members of the Locust Grove Police Department, Mr. Gooch seconded the motion, the motion passed and the vote was:

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

Ms. Tiehen reported the recent case activity and announced the date of the next board meeting of May 12, 2011.

Chairman Barlow asked if anyone had heard about recent legislation impacting the PERB.

Mr. Gooch answered that there was a house bill addressing the composition of the board members and using Oklahoma Arbitrators for arbitrations.

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

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

The meeting adjourned at 2:44 p.m.