



Oklahoma Public Employees Relations Board  
Minutes of  
March 10, 2011  
2800 N. Lincoln, Agriculture Bldg, First Floor Board Room  
9:00 a.m.  
Regular Meeting

Approved 4-14-11

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, Rick Knighton and Union Attorneys Sue Wycoff 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 January 13, 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., 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, City Manager.

After oral argument by 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)*

Mr. Gooch moved to come back 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 grant summary judgment to City Manager John Bowman as he was acting within scope of his authority and employment; Mr. Gooch seconded the motion, the motion passed and the vote was:

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

Chairman Barlow also moved to grant summary judgment to the Union and issue a Cease and Desist Order to prohibit the City from modifying the April 5, 2006 General Order without bargaining; Mr. Gooch seconded the motion, the motion passed and the vote was:

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

Chairman Barlow announced a five minute break.

Back from the break, the Board took up agenda item V., PERB Case No. 2010-ULPC-490, Fraternal Order of Police (FOP), Lodge 93 v. City of Tulsa and Dewey Bartlett concerning the unfair labor practice charge, Union's Motion to Defer to Arbitration Award and request for issuance of a Cease and Desist Order.

The Board asked for appearances by the parties; Sue Wycoff appeared for the FOP and there were no appearances for the City of Tulsa and Dewey Bartlett.

Chairman Barlow asked Ms. Wycoff to address the Motion to Defer to Arbitration Award.

Ms. Wycoff responded by stating that while the motion to defer is not joined by the City, it is not objected by the City. She added that there have been no other documents filed that has indicated that the City opposes the motion, but she did have a series of emails that had been shared amongst Gerry Bender who represents the City, the PERB Administrator and herself. She offered to submit them to the Board to show that Mr. Bender did not oppose the motion and does not oppose the entry of a Cease and Desist Order.

Mr. Bryan Neal informed Ms. Wycoff that the Board was in possession of those emails.

Ms. Wycoff explained that the City has not yet complied with the Arbitrator's Award and was seeking a cease and desist and based on said deferral, she requested the Board enter the order that the City shall henceforth comply with all provisions of the Fire and Police Arbitration Act specifically with Section 51-102 (6a) (5) and shall cease and desist from refusing to bargain collectively and for making unilateral changes to the existing collective bargaining agreement between the parties.

Ms. Wycoff prepared a draft order for the Board to sign stating the above if they were inclined to defer to the arbitration award.

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)*

Chairman Barlow moved to enter into 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 moved to grant the Union's Motion to Defer to Arbitration Award, FMCS # 10-56934-8 and enter the order proposed by the Union for the City to cease and desist from refusing to bargain collectively and for making unilateral changes to the collective bargaining agreement. The record reflects that the City does not oppose the entry of this order. Mr. Gooch seconded the motion, the motion passed and the vote was:

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

The Board discussed PERB Case No. 2011-RC-12429P, the certification election results of the Fraternal Order of Police, Lodge 216 in the City of Wagoner.

After review of the tally of ballots and noting there were no challenges in the secret ballot election, Mr. Speegle moved to certify the FOP in the City of Wagoner, Chairman Barlow seconded the motion, the motion passed and the vote was:

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

Ms. Tiehen reported the recent activity of new cases filed with the Board; Case No. 2011-RC-12430P, certification election request of the FOP in the Town of Locust Grove and Case No. 2010-ULPC-495, FOP, Lodge 123 v City of Oklahoma City filed 06-04-10 that was dismissed with prejudice by the Union.

Ms. Tiehen announced next month's board meeting would be held April 14<sup>th</sup>, 2011 and that there was one case on the docket, Case No. 2010-ULPC-497, the IAFF, Local 2284 v. the City of McAlester.

Chairman Barlow requested that the September 8<sup>th</sup> Board Meeting be cancelled. All members agreed to cancel the meeting in September by unanimous vote.

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

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

Meeting adjourned at 10:40 a.m.