



Oklahoma Public Employees Relations Board
Minutes of May 17, 2012
2401 N. Lincoln, Will Rogers Bldg., First Floor, Rooms 102/104
10:00 a.m.
Regular Meeting

Approved 6-21-2012

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 Will Rogers Building, First Floor Rooms 102/104, 2401 North Lincoln Boulevard, Oklahoma City, Oklahoma 73105. This meeting was rescheduled from May 10, 2012, 9:00 a.m., Agriculture, Food & Forestry Building, 2800 N Lincoln Blvd, First Floor Board Room with advance written notice provided to the Secretary of State not less than 10 days prior thereto as required by 25 O.S. Section 311(8).

Call to Order

Chairman Barlow called the meeting to order at 10:00 a.m., 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, PERB Administrator Debbie Tiehen and Assistant Attorney General Bryan Neal. Also present were Union Attorney Jarrod Leaman and Representative for the City, Attorney Todd Court.

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

Mr. Gooch moved to approve the minutes from the PERB Regular Board Meeting held April 12, 2012, Mr. Speegle seconded the motion, the motion passed and the vote was:

Mr. Speegle - aye

Mr. Gooch - aye

Chairman Barlow - aye

The Board took up agenda item VI, PERB Case No. 2011-ULPC-503, Fraternal Order of Police (FOP) v. the City of Norman concerning the City's Motion to Clarify And/Or Vacate Order and FOP's Motion to Strike and Dismiss City's Motion To Clarify And/Or Vacate.

The Board called for appearances; Mr. Todd Court appeared for the City of Norman and Mr. Jarrod Leaman appeared for the FOP.

Chairman Barlow asked Mr. Court what further action was the City seeking from the Board as the City already filed an appeal in Cleveland County District Court.

Mr. Court replied the City was seeking clarification of the Board Order issued March 8, 2012 Granting the Union Motion for Summary Judgment concerning "relevant" pre-approved questions to be asked by the examiner before the polygraph test.

Union Attorney Jarrod Leaman argued that the City's request for clarification through its motion, was "out of bounds" based on the fact that there is no mechanism for City's redress of issues before the Board as City has appealed the Board's Final Order to Cleveland County District Court (Case No. CV-2012-396-W filed 5-11-12). He further added that if a party was dissatisfied with a Board Order, that party may request a re-hearing within ten (10) days after notification of the Board's Final Order in accordance with the Administrative Procedures Act, 75 O.S. Section 317(A) and PERB Rule 585: 2-7-3 that recognizes all motions permitted under the Oklahoma Pleading Code 12 O.S. 2001, et seq.

After further oral argument between the parties and questions from the Board, Mr. Speegle moved for executive session (which was an item listed on the agenda), Chairman Barlow seconded the motion, the motion passed and the vote was:

Mr. Speegle - aye Mr. Gooch - aye Chairman Barlow - aye

(Executive Session)

Back in open session by unanimous vote, Mr. Speegle moved to GRANT the FOP's Motion to Strike and Dismiss City's Motion To Clarify And/Or Vacate because PERB has no jurisdiction of the matter at this point due to the appeal filed by the City to District Court (Case No. CV-2012-396-W filed 5-11-12), Mr. Gooch seconded the motion, the motion passed and the vote was:

Mr. Speegle - aye Mr. Gooch - aye Chairman Barlow - aye

The Board took up agenda item IV, PERB Case No. 2011-ULPC-509, the IAFF, Local 176 v. City of Tulsa concerning the proposed findings of fact and conclusions of law submitted by both parties.

After a brief discussion of the proposed findings, the Board decided on the information to include in the written order which is to be prepared by Mr. Neal, AAG.

The Board took up agenda item V, PERB Case No. 2011-ULPC-510, the IAFF, Local 2284 v. City of McAlester concerning the proposed written order.

After discussion and comments from the Board concerning the order, Mr. Speegle moved to approve the order prepared by Mr. Neal, Chairman Barlow seconded the motion, the motion passed and the vote was:

Mr. Speegle - aye Mr. Gooch - aye Chairman Barlow - aye

Ms. Tiehen provided a status report on new cases filed as well as pending cases.

Chairman Barlow announced PERB's next board meeting to be held June 21, 2012.

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

Mr. Speegle - aye Mr. Gooch - aye Chairman Barlow - aye

The meeting adjourned at 11:20 a.m.