

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

LOCAL 2173 I.A.F.F.)
)
 Complainant,)
)
 vs.) Case No. 00201
)
 CITY OF SAND SPRINGS, OKLAHOMA,)
)
 Respondent.)

ORDER

On the 28th day of March, 1989, the above styled and numbered matter came before the Board pursuant to an unfair labor practice charge brought against the City of Sand Springs, Oklahoma by Local 2173, International Association of Firefighters. Present on behalf of the Board were Mr. Don Copelin, Acting Chairman of the Board; Dr. Charles Kothe, Member of the Board, and Mr. Douglas B. Allen, Assistant Attorney General, Legal Counsel for the Board.

Additionally, appearing on behalf of the parties were James R. Moore, Attorney at Law, on behalf of Local 2173, International Association of Fire Fighters; and Ronald D. Cates, Attorney at Law, on behalf of the City of Sand Springs, Oklahoma.

The Board, after hearing the testimony of one witness sworn and examined, reviewing the file in this matter as well as hearing the arguments of counsel, makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

The Board finds that:

1. The City of Sand Springs, Oklahoma, is a Municipal Corporation and a Corporate Authority within the meaning of 11 O.S. Section 51-102 et seq.;
2. Local 2173, International Association of Fire Fighters is, and was at all time herein pertinent, the bargaining agent for the Fire Fighters for the City of Sand Springs, Oklahoma;
3. The Petitioner has alleged that the Respondent has engaged in unfair labor practices as defined under the provisions of 11 O.S. Section 51-102 (6) in the following particulars, to wit:
 - a) That the employer has interfered with, restrained, intimidated, or coerced employees in the exercise of the rights guaranteed them by the Fire and Police Arbitration Act;
 - b) Dominated or interfered with the formation, existence or administration of the employee's organization or their bargaining agent;
 - c) Refused to bargain collectively or discuss grievances in good faith with the designated bargaining agent with respect to any issue coming within the purview of the Fire and Police Arbitration Act;
4. The Board held a hearing on the aforementioned allegations wherein one witness on behalf of the Complainant was sworn and examined;
5. Based on the evidence submitted, the Board is of the opinion that no evidence has been presented supportive of the

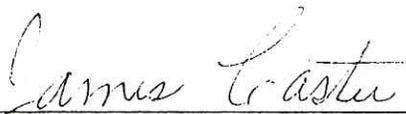
allegations by the Complainant alleging Respondent violated 11 O.S. Section 51-102 (6) (a) (2) and (6) (a) (3);

6. Based on the evidence presented the allegation that Respondent has engaged in violation of 11 O.S. Section 51-102 (6) (a) (5) is substantiated in the Board finding there has been a technical violation of the aforesaid statutory section; however, the Board further finds that such technical violation does not arise to the point of bad faith;
7. In connection therewith it is the Board's view that the parties have designed by collective bargaining process the way to resolve matters of this nature; wherefore, the Board accordingly declines to issue any cease and desist order herein.

CONCLUSIONS OF LAW

1. The Board concludes that it has jurisdiction over the parties and the subject matter herein by virtue of 11 O.S. 51-104 (b), the Fire and Police Arbitration Act;
2. That Petitioner's allegations that Respondent has engaged in violation of 11 O.S. § 51-102 (6) (a)(2) and (6) (a)(3), should be and same hereby are dismissed;
3. A technical violation of 11 O.S. § 51-102 (6) (a) (5) has been committed; however, such does not arise to the level of a bad faith violation warranting this Board's imposition of a cease and desist order. On the contrary, the Board declines to issue any Cease and Desist Order. In lieu thereof, the Board would urge the parties to go back into

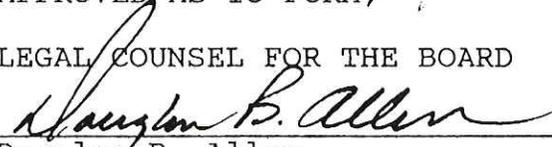
the bargaining process, referring to the contract existing between the parties, and looking to the management's rights clause and grievance procedures contained therein for resolution of this matter. IT IS SO ORDERED. Dated this 21st day of November, 1989.



JAMES CASTER, ACTING CHAIRMAN

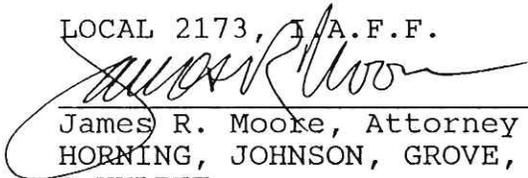
APPROVED AS TO FORM;

LEGAL COUNSEL FOR THE BOARD



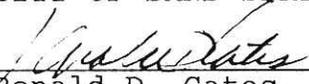
Douglas B. Allen
Assistant Attorney General
State of Oklahoma
112 State Capitol Building
Oklahoma City, Oklahoma 73105

LOCAL 2173, I.A.F.F.



James R. Moore, Attorney at Law
HORNING, JOHNSON, GROVE, MOORE
& HULETT
1800 City Place
Oklahoma City, Oklahoma 73102

CITY OF SAND SPRINGS, OKLAHOMA



Ronald D. Cates, Attorney at Law
Cates and Cobb, P.A.
Suite 109 Executive Center
12620 East 86th Street North
Owasso, Oklahoma 74055