

**BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA**

FILED

AUG 14 2008

Public Employees Relations
Board

FRATERNAL ORDER OF POLICE,
LODGE 123,

Complainant,

v.

CITY OF OKLAHOMA CITY,

Respondent.

Case No. 00448

ORDER

This matter comes before the Public Employee Relations Board (the "Board") on the Joint Motion of the Parties to Approve Settlement of the Unfair Labor Practice Charge (ULP) filed by the Fraternal Order of Police, Lodge 123 (the FOP, Union, or Complainant) against The City of Oklahoma City (City, or Respondent). The Complainant has charged that Respondent violated Sections 51-102(6a)(1) and (6a)(4) of the Fire and Police Arbitration Act (FPAA) 11 O.S. 2001 §51-101 *et seq.*, by acts of retaliation for filing a contract grievance.

The parties previously engaged in a grievance arbitration case styled *Fraternal Order of Police, Lodge 123 v. City of Oklahoma City*, FMCS Case No. 06-55202, in which the same allegations of retaliation for protected activities were raised. The City denied all allegations of retaliation.

The Arbitrator in FMCS Case No. 06-55202 rendered a final and binding arbitration award with which the Respondent has complied. There was no Award on the allegations of retaliation. The FOP has not alleged that any retaliatory actions have occurred since the day of the arbitration hearing on September 29, 2006.

The parties acknowledge that actions by the Employer that interfere, restrain, intimidate or coerce employees in the exercise of rights guaranteed to them under the FPAA, or disciplining or discharging a police officer in retaliation for bringing a grievance under the procedures of the collective bargaining agreement are in violation of Sections 51-102 6a (1) and (4) of the FPAA, and Oklahoma Police Department Policy 275.0.

In order to provide an effective internal procedure for handling any complaints of retaliation, the parties agree allegations of retaliation would be an exceptional instance that would permit an officer to bypass the chain of command, as addressed in Policy 650.0. Complaints of retaliation shall be addressed as follows:

1. If an officer believes he has been the subject of retaliation as a result of filing a grievance or exercising any right he has under the FPAA or CBA, that officer has the option of bringing a complaint directly to the Chief of Police and bypassing the normal chain of command.
2. If the Chief of Police is presented with a complaint stating that an officer has been the subject of retaliation for exercising FPAA or CBA rights, the Chief shall commence an investigation of such complaint.
3. If the Chief finds there has been any such retaliation, or other actions prohibited by the FPAA or CBA, he shall take timely corrective action and report it to the FOP.

Pursuant to the request of the parties in this case, the Board hereby defers to the Arbitration award in FMCS Case No. 06-55202. Based on said deferral, the Board hereby enters this Order that City shall henceforth comply with all provisions of the FPAA, and specifically Sections 51-102 6a (1) and (4). The Board also incorporates the agreement of the parties on handling allegations of retaliation and it is made a part of this Order, until such time as the parties agree to amend or change the procedures for addressing complaints of retaliation. This Order does not restrict officers or the FOP

from presenting charges of retaliation as permitted through the grievance procedures in the CBA, or as an Unfair Labor Practice before the PERB.

Dated this 14 day of August, 2008.



Craig W. Hoster, Chairman
Oklahoma Public Employees Relations Board

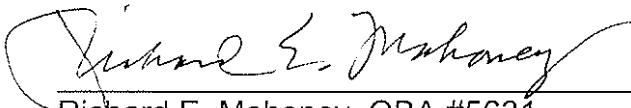
Agreed:

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