

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

AMERICAN FEDERATION OF STATE,)
COUNTY AND MUNICIPAL)
EMPLOYEES UNION,)

Petitioner,)

v.)

Case No. M1400

CITY OF LAWTON, OKLAHOMA,))

Respondent.)

ORDER

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 12th day of October, 2006, on the Motion to Sustain Petition for Certification filed by Petitioner American Federation of State, County and Municipal Employees Union (the "Union" or "AFSCME"). The Respondent the City of Lawton, Oklahoma (the "City") responded to this motion. AFSCME appeared by and through its attorney, James R. Moore. The City appeared by and through its attorney, Tony G. Puckett.

The Board reviewed the parties' briefs and heard arguments from counsel.


The parties have agreed that one unit should be certified. The Board finds that this unit should consist of those 404 employees listed in "Employees Eligible for Bargaining Unit", Exhibit 6 to AFSCME's Reply to City's Response to Motion to Sustain Petition for Certification. These are the employees employed in 2004 when the authorization cards were signed.¹ The number of

¹The Board recognizes that some of these employees are no longer employed by the City. However, the Board will determine whether a majority of the bargaining unit employees at the time that the Petition for Certification was filed authorized AFSCME to be their representative.

authorization cards signed by these employees is 305. Of these, 44 cards have been challenged as being signed by persons in positions in dispute.² A tally reveals that all of the remaining 261 cards were cast for AFSCME.

The Board finds that the cards in dispute do not affect the majority status because the 261 cards cast is more than 50% of the 404 employees eligible to cast ballots. Therefore, the motion for certification should be and is hereby GRANTED.

Dated: December 14, 2006



Craig W. Hoster, Chair
Public Employees Relations Board

11 O.S. Supp. 2005 § 51-211; *AFSCME v. City of Enid*, PERB No. 1402.

²The parties have agreed to attempt to work out their differences regarding these disputed positions and, after their good faith efforts, the parties may submit for Board determination whether any positions still in dispute are a part of the bargaining unit.