

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

INTERNATIONAL UNION OF POLICE)
ASSOCIATIONS, LOCAL NO.3,)
)
Complainant,)
)
v.)
)
CITY OF SHAWNEE, WILLIAM)
MATHIS and JAMES COLLARD,)
)
Respondents.)

PERB No. 445

FILED

MAR 24 2008

Public Employees Relations
Board

ORDER

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 13th day of March, 2008, on the Motion for Summary Judgment filed by Respondents City of Shawnee (the "City") and William Mathis ("Mathis"). The International Union of Police Associations, Local No. 3 (the "Union") responded in opposition to the motion. The City and Mathis appeared by and through their attorney, Matthew J. Love. The Union appeared by and through its attorney, Douglas D. Vernier.

The Union brought the present action alleging two counts. The Union dismissed Count I. Count II alleges that Mathis bypassed the Union's Executive Board and President and insisted on direct dealing with one member of the Executive Board, Officer David Shannon, about a memo on proposed changes to the leave policy.

"Summary judgment is appropriate only where it appears that there is no substantial controversy as to any material fact and that one party is entitled to judgment as a matter of law." *Post Oak Oil Co. v. Stack & Barnes, P.C.*, 1996 OK 23, ¶ 15, 913 P.2d 1311, 1313. Substantial controversy does exist regarding the conversation between Mathis and Shannon. Because substantial

controversy does exist regarding the conversation between Mathis and Shannon. Because substantial controversy exists as to a material fact, the City and Mathis are not entitled to judgment as a matter of law, and their Motion for Summary Judgment should be, and is hereby, DENIED.

Dated: March 24, 2008



Craig W. Hoster, Chair
Public Employees Relations Board