

**GUIDE**  
**TO**  
**PERB DECISIONS**

**By Subject Matter**

**Arbitration, Deferral to:**

Anadarko 00258  
Broken Arrow 00104  
Warr Acres 00327

**Arbitration Award, Failure to Implement**

Duncan 00282

OKC 00479

**Non-Arbitrable Issues**

Tulsa 2009-ULPC-480

**Arbitrate, Duty to:**

Ardmore 00308  
Coweta 00400  
McAlester 2011-ULPC-510

**Arbitrator Exceeding Authority**

Ardmore 00379

**Attorney Fees (denied)**

Bartlesville 00142S

**Bargaining:**

Okmulgee 00267  
Owasso 00314  
Guymon 00329  
Broken Arrow 00328  
Ardmore 00393 (failure to provide requested documents)  
Norman 00421 (bad faith) Appealed  
Muskogee 00462  
Tulsa 2012-ULPC-523 (retroactive monetary issue)

Bargaining Away Essential Rights

Anadarko 00258 (right to grieve)  
See also Ponca City 00349  
See also Pryor 00357

Boycotts

Pryor Creek 003357

Circumventing the Bargaining Agent

Stillwater 00225  
Duncan 00282 (Union talking to City Manager)  
Norman 00424  
Stillwater 2011-ULPC-504

Declaratory Judgment, Requests for

DJ87-2, Jim Burk & City of Coweta (denied)

Default C&D issued

Warr Acres 00297

Defers to Arbitration, good language:

Broken Arrow 00104

Demotions

Ardmore 00308

Diminished Income (No Justification for Not Bargaining to Impasse)

Tulsa 00126  
Nichols Hills 00160

Direct Dealing

Tulsa 00431  
Shawnee 00444 & 00445  
McAlester 2014-ULPC-543

District Court, Deferral to

Farrow v. Chandler 00302

Drug Testing

Duncan 00268

Dynamic Status Quo

Del City 00150 & 00152

Estoppel

Bethany 00130

Evergreen

Tulsa 00126

Del City 00150 & 00152

Broken Arrow 00159

Executive Sessions (Confidential)

Warr Acres 00438

Exercise of Rights Protected Under the Act

Ardmore 00308

Ponca City 00377

Failure to Prove (by a preponderance of evidence)

Cushing 00306

Bixby 00333

Tulsa 00397A & 00397B

Failure to Implement Arbitration Award

Duncan 00282

Broken Arrow 00328

Fitness & Merit vs. Seniority

Okmulgee 00248 & 00250

FLSA; hours, overtime, comp-time, stand-down time, etc.

Cushing 00115

Okmulgee 00125

Del City 00176

Ardmore 00263

Free Speech

Tulsa 00356

Hard Bargaining, Not Surface Bargaining

Bethany 00137

Impasse

Cushing 00115

Bethany 00155

Insurance Matters

Oklahoma City 00105  
Guthrie 00217  
Tulsa 00207

Interference & Coercion

Mustang 00136  
Okmulgee 00248 & 00250; by union, in promotional process  
Purcell 00318, (appointment of Union President to Admin Ass't  
Cushing 00306 (failed to prove)  
Midwest City 00375  
Muskogee 00463 (threatening a unit member)

Interpretation of Arbitrator's Decision

Miami 00153

Intimidation by Bargaining Agent

Bethany 00175, revised order

Jurisdiction (v. District Court)

Del City 00150 & 00152

Last Best Offer

Kingfisher 00417

Management & Prevailing Rights, Modification of

Bethany 00155

Multiple police departments within a City? Yes.

Tulsa 12339 PA, Tulsa Airport Police - Appealed & Overturned  
OKC 12268, Lake Rangers

Nepotism

Lawton 2011-ULPC-505 (found no nepotism)

New Bargaining Agent's duties and rights administering existing contract

Guthrie DJ 9201

Notice, Proper

Tuttle 12367 P (pending as of 12-3-00)  
Warr Acres 00439

Non-Union Bargaining Unit Members, Rights of

Anderson v. FOP Lodge 127 (Midwest City), 00122  
Sheram vs. FOP Lodge 2551 (Broken Arrow), 00203  
Gilleland vs. Teamsters (Cushing), 00311

Oral Agreements [See also: Refusal to put in Writing]

Owasso 00314

Parole Evidence Rule

Owasso 00314

Prevailing Rights [See: Management Rights]

Privatization of Fire Service

Ardmore 00317

Probationary Employees

Blanchard 12310PD  
OKC 12303UC  
Okmulgee 12331RM  
Pryor 12269 P  
Tulsa 00358  
Ardmore 00364 (under appeal)

Public Policy in Favor of Probation

Ardmore 00364 (under appeal)

Refusal to Process / Arbitrate a Grievance a ULP / Not a ULP

Mustang 00136 (No ULP)  
Jenks 00211 (ULP)  
Bartlesville 00142X (ULP)  
Tulsa 00358  
Ardmore 00308 (ULP)  
Glenpool 00402 (No ULP); not filed timely

Refusal to Put Agreement in Writing; Oral Agreements

Perry 00103 (Refusal to put in writing)  
Moore 00158 ( Oral agreement)  
Perkins 00418

Refusal to Sign Bargaining Agreement

Muskogee 00466

Refusal to go to Second Arbitration after Impasse

Broken Arrow 00159

Seniority vs. Fitness & Merit

Okmulgee 00248 & 00250

Surface Bargaining

Coweta 2010-ULPC-489

Technical Violations Not Rising to Level of ULP

Henryetta 00113

Okmulgee 00195

Sand Springs 00201

Unilateral Implementation

Tulsa 00126

Del City 00150 & 00152

Lawton 00107 (contractually waived)

Nichols Hills 00160

McAlester 00204

Okmulgee 00248 & 00205

Duncan 00282

Bixby 00333 (failed to prove)

El Reno 00353

Sallisaw 00349

Norman 00383

Broken Arrow 2010-ULPC-487

Chickasha 00492 (City did not fill a position)

Coweta 2013-ULPC-537 (re issuing sworn affidavits)

Union Meetings, Denial of Access to by City

Ardmore 00303 (Consent Order prepared by parties)

Union Members & Non-Members, Different Treatment of

Okmulgee 00125

Frederick 00354

Union Coercion of City during bargaining

Pryor 00357

Unit Members in management positions able to commit ULPs? (no)

Tulsa 00315

Unit Determination: (& CLEET Certification)

Blanchard 12310 PD

Pryor 12269 P

Yukon 12281 UC & 00164

Coweta 12276PRA

Lawton 12304 UC  
OKC Housing Authority 12315 AP (PERB lacks jurisdiction)  
Okmulgee 12331 RM  
Tulsa 12339 PA  
OKC 12303 UC  
OKC 12268 (Lake Rangers)  
Pawhuska 12354FF

Volunteer Fire Fighters

Pawhuska 12354FF

Waiver of Duty to Bargain

Jenks 00211  
Duncan 00268  
Guymon 00329  
Ponca City 00349

Waiver of Right to Arbitrate

Tulsa 00207

Weingarten

Broken Arrow 00104  
Shawnee 00220  
Del City 00370  
Tulsa 00388  
Norman 2011-ULPC-503 (pre-polygraph test)

Wrongful Termination

Hugo 00208x  
Tulsa 2011-ULPC-511 (alleged termination through Union's political action)

## CONSENT ORDERS

OKC 00105  
Henryetta 00113  
McAlester 00151  
Norman 00128  
Ponca City 00183  
Ardmore 00303  
Gilleland 00311 - Union agrees to consider non-union unit members wishes.  
Purcell 00318 - City agrees not to appoint Union President as Administrative Assistant until such time as he voluntarily accepts it.  
Catoosa 00322  
Frederick 00354 - City must pay all Bargaining Unit members according to CBA

## WRITTEN DISSENTS BY BOARD MEMBERS

* 8-2-90 00194	Local 2171, IAFF / the City of <b>Del City</b>	<b>ULP;</b> union president was threatened for union activities. Dissent by Charles Ellis
*8-8-91 00208X	Local 3199, IAFF / the City of <b>Hugo</b>	<b>ULP;</b> Wrongful Termination on account of Union Activities; Dissent by Charles Ellis to remedy, but unanimous agreement to egregiousness of ULP.
*12-17-91 00155 arb	Local 2507, IAFF / the City of <b>Bethany</b>	<b>SPLIT: ULP:</b> City bargained in bad faith by proposing removal of a class of grievances from the grievance process. Dissent by Charles Ellis.
*6-14-96: 00315	Local 176, IAFF vs. the City of <b>Tulsa</b>	<b>NO ULP,</b> but close. District Chief as member of bargaining unit could not commit a ULP for the City; Dissent by Ronald G. Dye.
*1-12-00 bargain 00364 favor  create not	Lodge 108 vs. the City of <b>Ardmore</b>	<b>NO ULP;</b> City did not commit ulp in refusing to with probationary employees; strong public policy in of probation Dissent by Craig Hoster; Legislators knew how to exemption for probationary employees; PERB should be creating public policy.
*11-16-2001 00377	Local 2479 City of Midwest City	ULP; Dissent by Craig Hoster



\*12-03-2007  
00439

Local 2374  
Warr Acres

ULP; Dissent by Craig Hoster