

FILED

APR 24 2009

Public Employees Relations Board

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
STATE OF OKLAHOMA

COMMUNICATION WORKERS)
OF AMERICA,)
)
Petitioner,)
)
v.)
)
CITY OF BROKEN ARROW,)
A Municipal Corporation)
)
Respondent.)

PERB No. M1405

ORDER

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 9th day of April, 2009, to determine if certain challenged employees are included in the certified bargaining unit. The Board has been requested to determine whether or not five individuals in four different positions are "supervisors" under § 51-202 of the Oklahoma Municipal Employee Collective Bargaining Act, 11 O.S. Supp. 2006 §§ 51-200, et seq. ("OMECBA"). The Communication Workers of America appeared by and through its attorney, Steven R. Hickman. The City of Broken Arrow appeared by and through its attorney, Tony G. Puckett.

The Board, having reviewed the parties' briefs and heard the arguments of counsel, applies the law enumerating the burdens of the parties and the standards to be utilized to determine if a person is a "supervisor" set forth in the Orders entered March 5, 2007 and December 19, 2007 in AFSCME v. City of Lawton, PERB Case No. M1400, and finds as follows regarding the contested positions.

The Board holds that the following persons in the following positions are "supervisors" as defined by OMECBA and therefore, these positions are not included in the bargaining unit:

Utility Supervisor (water)/ Tom Evans;

Utility Supervisor (sewer)/ Olen Bailey;

Traffic Services Manager/ Robert Cook.

The Board further holds that the following persons in the following positions are not "supervisors" as defined by OMECBA and these positions are included in the bargaining unit:

Utility Services Supervisor/ Brenda Biddle;

Meter Reader Supervisor/ Darrell Bynum.

Dated: April 24, 2009



Craig W. Hoster, Chair
Public Employees Relations Board

By unanimous vote. Chair Craig W. Hoster presiding. Members Larry W. Gooch and Linda Samuel-Jaha present and voting.