

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD  
STATE OF OKLAHOMA

**FILED**

MAY 26 2009

Public Employees Relations  
Board

AMERICAN FEDERATION of STATE )  
COUNTY, and MUNICIPAL )  
EMPLOYEES, LOCAL 1180, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
CITY OF TULSA, OKLAHOMA, )  
an Oklahoma Municipal Corporation, )  
 )  
Respondent. )

PERB No. M1410

**ORDER**

This matter came on for hearing before the Public Employees Relations Board (the "Board") on the 9th day of April, 2009, to determine whether or not certain employees of the City of Tulsa are included in the certified bargaining unit and also to consider the Motion to Strike filed by the City of Tulsa. The American Federation of State, County, and Municipal Employees, Local 1180, appeared by and through its attorney, Sue Wycoff. The City of Tulsa appeared by and through its attorney, Tony G. Puckett.

The Board has been requested to determine whether or not 15 individuals are "confidential employees" under § 51-203 of the Oklahoma Municipal Employee Collective Bargaining Act, 11 O.S. Supp. 2006 §§ 51-200, et seq. ("OMECBA"). The Board, having reviewed the parties' briefs and heard the arguments of counsel, applies the burdens of the parties and the standards to be utilized to determine if a person is a "confidential employee" pronounced by the Board in the Order entered March 5, 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 not "confidential employees" as defined by OMECBA and, therefore, these positions are included in the bargaining unit:

- Medical Assistant – Audrey N. Treuter;
- Medical/Radiology Technician – Jean A. Coffey.

With regard to the 12 contested Payroll Clerk positions and the contested Office Administrator, Level 2, position in the Finance Department, the Board has determined that it needs more evidence concerning the individual positions and requests that the parties submit supplemental evidence addressing the factors set forth in the Board's March 5, 2007 Order in AFSCME v. City of Lawton, PERB Case No. M1400, regarding "confidential employees" under OMECBA.

The Board further finds that the City's Motion to Strike should be, and it is hereby, held in abeyance.

Dated: May 26, 2009

  
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Craig W. Hoster, Chair  
Public Employees Relations Board

Chair Craig W. Hoster presiding. Members Larry W. Gooch and Linda Samuel-Jaha present and voting in favor. Chair Hoster abstaining.