

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD

FRATERNAL ORDER OF POLICE,)
MAYES COUNTY, LODGE #116,)
)
Petitioner,)
)
vs.) Case No. 12269P
)
CITY OF PRYOR, OKLAHOMA,)
)
Respondent.)

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes on for hearing this 12th day of February, 1987, on the Respondent's Application for hearing pursuant to 11 O.S. 1981, § 51-103(A)(2). The Petitioner appeared by and through its attorney, David O'Dens, Esq.; the Respondent appeared by and through its attorney, Carl Longmire, Esq. The Board received documentary and testimonial evidence. After due consideration of the Petition and supporting materials, the evidence, and the argument of counsel, the Board finds as follows:

1. The Respondent's challenge to the jurisdiction of the Board, based on its status as a home-rule charter city should be overruled. See, Midwest City v. Cravens, 532 P.2d 829, 834 (Okla. 1975). The Board has jurisdiction to hear and decide these matters.

2. There was no evidence presented to the PERB, and the Board so finds, that no representation election has been held in the Respondent City among police officers in the past twelve (12) months.

3. There is a sufficient showing of representation pursuant to 11 O.S. 1981, § 51-103(A)(1) to justify the conducting of a representation election.

4. A representation election should be scheduled at the earliest practicable date, and conducted pursuant to the Rules of the Board.

5. All eligible, permanent police officers will be entitled to vote in the election.

6. Those police officers who are on probationary status at the time of the aforementioned election will not be eligible to vote therein.

7. Those individuals who are dispatchers, and who have no patrol officer duties at the time of the election, and who are not members of the Oklahoma Police Pension Retirement System, 11 O.S. 1981, §§ 50-101 et seq., as amended, will not be eligible to vote.

8. The individual holding the position of animal warden is also found by the Board not to be a police officer as defined by 11 O.S. 1981, § 50-101(6).

Nelson Keller /mc
NELSON KELLER, Chairman
Public Employee Relations Board

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