

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD

STATE OF OKLAHOMA

International Association of)
Firefighters, Local 1882)
(Lawton, Oklahoma))
AFL-CIO/CLC,)
Charging Party,)
vs.) Case No. 00107
City of Lawton, Oklahoma,)
a Municipal Corporation,)
Respondent.)

ORDER

NOW ON THIS 24th DAY OF May, 1988, comes on before the Public Employees Relations Board (PERB) a series of motions and one application filed by the Charging Party (Union) herein on May 5, 1988. Based upon the application and motions filed by the Union and response thereto, the Board finds as follows:

1. Motion for Oral Argument

Rule III(C)(3)(d) permits the PERB to hear oral arguments concerning motions before the Board in its discretion. The Board has no information before it which would indicate that oral arguments would materially assist or otherwise aid the Board in ruling on the motions propounded by the Union. The Motion for Oral Argument is therefore denied.

2. Application for Leave to File Objection to Lawton's Application to Supplement Brief

The Respondent filed its Application to Supplement Brief with the PERB on February 1, 1988. The certificate of mailing which appears on said application indicates that the Union was served with a copy of the application by mail. The Union has therefore been on notice since approximately February 1, 1988 that said application has been pending before the Board and was free to object to the supplementation. No objection was filed by the Union prior to the Board's order of April 26, 1988.

The Union is entitled to respond to the content of the City's amendment as ordered by this Board on April 26, 1988. However, the Board is not persuaded that the Union has not been granted sufficient opportunity to object to the Request to Supplement Brief and therefore the Union's motion is denied.

3. Motion for Evidentiary Hearing

The Union requests that this Board grant an evidentiary hearing relative to the arbitrator's decision of February 2, 1987, stating that additional evidence should be taken for a complete analysis of the decision by the Board.

Although it is unclear as to the nature of the evidence to be presented by the Union, the Board is persuaded that an evidentiary hearing may be of assistance to the disposition of his matter. The Union's motion for an evidentiary hearing is granted.

The Board orders that a prehearing conference be conducted and that Douglas B. Allen, Assistant Attorney General, is hereby appointed Hearing Officer for the purpose of conducting this conference and for the purpose, subject to approval of the Board, of setting the parameters of evidence to be presented at the hearing. Evidence presented to the Board shall be limited to those issues materially related to the arbitrator's decision of February 2, 1987. Said prehearing conference shall be held within twenty (20) days of the date of this Order, on a date agreeable to the parties and the Hearing Officer. Further, the evidentiary hearing will be held within twenty (20) days of the prehearing conference.



CHAIRMAN

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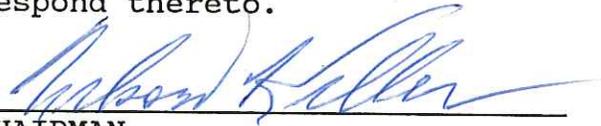
Board an Order allowing such supplement to its brief but through inadvertence the Order was not executed by PERB.

5. On March 30, 1988, PERB issued its Findings of Fact, Conclusions of Law and Opinion relying at least in part upon the arbitrator's decision dated February 2, 1987. The PERB finds that based upon these facts and upon the IAFF's Motion to Reconsider and Response thereto by the City that said motion should be granted. The PERB is persuaded that the IAFF is entitled to reconsideration in that IAFF may have presumed that the arbitrator's decision would not be considered by the Board and that this presumption may have influenced the IAFF in the preparation of its post-hearing arguments. The Board is also of the opinion that the City will be allowed (as the Charging Party was allowed) to supplement its brief so that the Board will have all relevant documents properly before it. Therefore the Respondent's Application to Supplement Brief still pending before the Board is granted.

Pursuant to 75 O.S. § 317 this proceeding is reopened for reconsideration by the Board and the Findings of Fact and Conclusions of Law are therefore vacated. Reconsideration shall be limited to issues raised by the arbitrator's decision of February 2, 1987. The City's Application to Supplement its Brief is granted and the IAFF is granted fifteen (15) days from the date of this Order in which to

respond thereto and to present any additional arguments and authorities.

Respondent is granted ten (10) days after the filing of the Charging Party's brief to respond thereto.



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