

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FRATERNAL ORDER OF POLICE,)
LODGE 146,)
Plaintiff)
vs.)
STATE OF OKLAHOMA, *ex rel.* PUBLIC)
EMPLOYEES RELATIONS BOARD, a)
State agency, and CITY OF JENLS,)
OKLAHOMA,)
Defendants)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

Case No. CV-2013-2382

JUL 18 2014

TIM RHODES
COURT CLERK

43_____

ORDER

Now on this 2nd day of July, 2014, the above captioned matter came on for hearing oral argument in regard to the Plaintiff's Petition for Judicial Review of the ruling of the Oklahoma Public Employees Relations Board (PERB) in PERB case No. 2012-ULPC-524 rendered October 29, 2013. The Plaintiff appeared by its counsel, Douglas D. Vernier. Defendant City of Jenks, Oklahoma, appeared by its City Attorney, Stephen L. Oakley. Defendant State of Oklahoma, *ex rel.* Public Employees Relations Board appeared not.

Having reviewed the record and having heard statements of counsel, the Court finds that the relief requested in Plaintiff's Petition should be denied and the Order of PERB is sustained.

The Court further finds that the initial finding of PERB in its Opinion wherein it states:

Taking the totality of the situation, the unilateral use of a global positioning device (GPS) and the data derived from such unilateral use by the Respondent for disciplinary purposes without first bargaining over the issue with the Complainant is not an unfair labor practice under 11 O.S. 2011, §51-102(6a)(1), (2) or (5). A municipality is not required to negotiate with a union prior to the installation, implementation or use of a global positioning device (GPS) or use of the data derived from such global positioning device (GPS) in a disciplinary process.

should be substituted with this Court's finding and opinion that:

Taking the totality of the situation, the unilateral use of a global positioning devise (GPS) and the data derived from such unilateral use by the Respondent (City of Jenks) in the grievance procedure outlined in Article 23 of the Collective Bargaining Agreement is not an unfair labor practice.

AND IT IS SO ORDERED.

PATRICIA G. PARRISH

PATRICIA G. PARRISH, District Judge

APPROVED AS TO FORM:


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I, TIM RHODES, Court Clerk for Oklahoma County, Okla. certify that the foregoing is a true, correct and complete copy of the instrument as appears on record in the District Court Clerk's Office of Oklahoma County, Okla. this 18 day of July, 2014.

By  TIM RHODES, Court Clerk Deputy


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