

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD  
STATE OF OKLAHOMA

STEVEN KNOPP, AND FRATERNAL )  
ORDER OF POLICE, LODGE 145 )

Complainant, )

vs: )

CITY OF WARR ACRES )

Respondent. )

CASE NO. 00297

ORDER

On November 30, 1993, Steven George Knopp and the Fraternal Order of Police, Lodge 145, through their attorney James Levine, filed an Unfair Labor Practice Complaint with the Public Employees Relations Board (Board). The Complaint, now Board Case No. 297, alleged that the City of Warr Acres (the City) had committed an Unfair Labor Practice (ULP) when the Mayor of Warr Acres insisted that Steven Knopp would not be allowed to participate in the bargaining unit of the Warr Acres Police Department after his demotion from Chief of Police.

Pursuant to Board procedure, a pre-hearing conference was scheduled for Case No. 297 for January 7, 1994. The City of Warr Acres failed to make an appearance at the January 7, 1994 conference. The City was instructed, in a January 10, 1994 letter to the Mayor, that the issuance of a default Cease and Desist Order had been requested by counsel for the Complainants and that issuance was indeed likely pursuant to Board rule 585:1-5-5(g)

unless the City could, in essence, demonstrate why they should be allowed to proceed to hearing. Board rule 585:1-5-5(g) provides as follows:

Failure to prepare and file a scheduling order or pre-hearing order, failure to appear at a conference, appearance at a conference substantially unprepared, or failure to participate in good faith may result in any of the following sanctions:

- (1) the striking of the pleading;
- (2) a preclusion order;
- (3) staying the proceeding;
- (4) default judgment;
- (5) or such other order as the Board may deem just and appropriate

The City did respond by designating counsel, but there was some confusion about the counsel the City designated. Through no fault of the lawyers who were eventually retained by the City, the confusion persisted, and the Board was never presented with sufficient justification for why the City should be allowed to proceed to hearing. Attempts between the parties to reach an agreed Cease and Desist Order failed. As a result, the Public Employees Relations Board voted on January 25, 1994 to issue a default Cease and Desist Order against the City of Warr Acres pursuant to Board rule 585:1-5-5(g).

The Public Employee Relations Board, does, therefore, issue the attached Cease and Desist Order.

CEASE AND DESIST ORDER

The City of Warr Acres is hereby ordered, pursuant to 11 O.S. §51-104b(c) and Rule 585:1-5-5(g) of the Public Employees Relations Board, to cease and desist from barring, excluding or otherwise attempting to interfere with or limit the membership or participation of the Complainant, Steven George Knopp, in the duly elected bargaining unit of the officers of the Warr Acres Police Department. Furthermore, this Cease and Desist Order shall be posted in a prominent location within the Warr Acres Police Department for no less than thirty (30) days after the date of issue.

Dated this 4<sup>th</sup> day of Feb., 1994

James G. Caster  
CHAIRMAN