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June 9, 2016

Mr. Dewey Bartlett, Mayor  
City of Tulsa  
One Technology Center  
175 E. 2nd Street  
Tulsa, OK 74103

Re: Executive Order 2016-1, June 6, 2016

Dear Mayor Bartlett:

Our firm has been asked to review the legality of the Executive Order you issued on Monday regarding new restrictions on employee promotions and related threats of firing. We find the Order an illegal attempt to exercise power that is not granted to the Mayor by the Tulsa City Charter and Personnel Policies.

You cited the Charter as your authority to issue the Order, but you omitted those portions that limit your power. The Charter clearly states that the Mayor's power with employees is limited by Article X of the Charter. Specifically it states the Mayor may:

F: Appoint, supervise and remove all officers and employees of the city, ... all subject to the provisions of Article X and XI of this amended Charter.

Article X of the Charter creates the Civil Service Commission and the Merit System. As you know, the purpose of the Merit System is to insulate employees from the political side of the City and not allow those in power to threaten or induce employees improperly. For that reason, the Charter reserves to the Civil Service Commission and the City Council, not the Mayor, the power to create personnel rules that regulate employment. And they have done so.

As recently as 2012, the FOP negotiated comprehensive changes in the promotional regulations for police officers as a part of its statutory duty to bargain with the City over terms and conditions of employment. The Civil Service Commission adopted those changes, and the Council approved them according to the Charter.

You are now trying to force new conditions on hiring, promotions and discipline through your Order even though that is contrary to the rules that were properly established. You have not even attempted to use the proper procedure by going to the Council, the Civil Service System

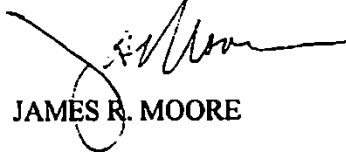
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or the FOP and IAFF to obtain any change. As Mayor, both the citizens and employees expect you to provide leadership in complying with law, policy and contract, but that is not the case with your Order.

In addition, if you do discipline, fire or demote employees based on your Order, you may face a personal lawsuit for acting outside your lawful Charter authority. We ask that you reconsider your Order, and if you are still interested in pursuing those matters to do so through the proper means.

Sincerely,

MOORE & LEAMAN  
ATTORNEYS AT LAW



JAMES R. MOORE