

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 562

BY: LONG (Lewis)

AS INTRODUCED

AN ACT RELATING TO COUNTIES AND COUNTY OFFICERS AND OFFICERS; AMENDING 19 O.S. 1981, SECTION 180.65, WHICH RELATES TO DEPUTIES AND CERTAIN OTHER COUNTY EMPLOYEES; MODIFYING MINIMUM SALARY OF CERTAIN PEACE OFFICERS; PROVIDING A SHORT TITLE; CREATING THE PEACE OFFICER ARBITRATION LAW; STATING PURPOSE AND INTENT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 19 O.S. 1981, Section 180.65, is amended to read as follows:

Section 180.65 A. The officers named in groups "A" and "B" shall have such number of regular or technical deputies, assistants, investigators, evidence men, aides, stenographers or reporters, technicians, undersheriffs, jailers, matrons, handwriting and fingerprint experts, probation officers, and/or juvenile officers, bailiffs, or other help, whatever title the principal officer may ascribe to the duties or functions to be performed as authorized by law and clearly related to the proper accomplishment of lawful functions, whether on whole or part-time basis, at such rates of

salary or pay, subject to the provisions of this section as hereinafter set forth, as the principal officer may propose and establish the need of and which the county excise board may approve, for the adequate accomplishment of the functions of the office and the performance of the duties imposed thereon by law, with due weight being given to employment on whole or part-time basis; provided, that no such employments shall exceed the amount of lawful funds appropriated for such purpose.

B. Each principal officer named in groups "A" and "B", except judges, shall designate of record in the office of the county clerk a first or chief deputy or assistant who shall be chargeable with all the duties of such principal officer, while subject to the direction of the same; and such first or chief deputy or assistant shall carry on the duties of the office during the absence of the principal officer or, in the event of the death, removal or resignation of said principal officer, until a successor shall have qualified. During periods of vacancy of the principal office, resulting from the death, removal or resignation of the principal officer, the chief deputy or assistant shall be bonded in the same manner and in the same sum as required for the principal officer.

C. The first or chief deputy or assistant to any officer, as authorized by subsection B of this section, shall receive a salary not to exceed ninety percent (90%) of the salary of the principal officer; and, if the principal officer has more than one deputy or assistant, that person or those persons whom the principal officer may designate as "second deputy" or "second assistant" shall receive a salary not to exceed eighty percent (80%) of the salary of the principal officer; and the aforesaid salaries within said limitations shall be such amounts as the principal officer may propose and establish the need for and which the county excise board may approve within salary and staffing requirements as may be prescribed by law. The numerical rank of any deputy or assistant to

be effective must be by designation of the principal officer by his signature and filed with the county clerk. The numerical rank of any deputy or assistant shall be within the sole discretion of the principal officer.

D. No other deputy, aide, assistant or other person named in subsection A of this section may be paid at a salary rate in excess of eighty percent (80%) of the salary of the principal officer; and, subject to said limitation, the salary or rate of pay of such subordinate shall be determined by the principal officer and the county excise board based upon responsibility, risks, skills, training, and experience required for such position and afforded by the subordinate; except that any employee certified as a peace officer by the Council on Law Enforcement Education and Training shall be compensated according to years of recognized law enforcement or corrections experience:

1. Effective July 1, 1991, the salary of a deputy/employee with more than one (1) year of experience but less than two (2) years of experience shall receive not less than thirty percent (30%) of the salary of the district attorney;

2. Effective July 1, 1991, the salary of a deputy with more than two (2) years of experience shall receive not less than thirty-five percent (35%) of the salary of the district attorney;

3. Effective July 1, 1991, the salary of a deputy with more than four (4) years of experience shall receive not less than forty percent (40%) of the salary of the district attorney.

~~provided that the~~ The eighty percent (80%) limitation shall not apply to county officers employing only two deputies or technical help on a part-time contract or wage basis within the amount of lawful appropriations for said purposes, by and with the consent and approval of the county commissioners. Provided further, the criteria stated in this subsection shall not apply to reserve force deputy sheriffs.

E. The salary paid to such deputies, assistants, or other persons shall not exceed ninety percent (90%) or eighty percent (80%), respectively, of the total salary paid to such principal officers.

F. The board of county commissioners shall continue to have the authority to recommend the total amount of funds that can be used for the combined salaries in each of the county offices covered by this act; however, the approval of said funding for such offices shall continue to be the responsibility of the county excise board. County officers shall have no authority to make salary commitments beyond the amount of said funding so provided.

G. The county excise board shall meet with each of the principal officers of the county in budget planning conference or conferences, before July 1 of each year, to discuss personnel needs for each office for the succeeding fiscal year. The excise board shall provide the principal officers a tentative estimate of anticipated revenues for the next fiscal year prior to said budget planning conferences.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200 of Title 51, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Peace Officer Arbitration Law".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200.1 of Title 51, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Peace Officer Arbitration Law.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 200.2 of Title 51, unless there is created a duplication in numbering, reads as follows:

A. The protection of the public health, safety and welfare demands that all peace officers employed by the state, county, or

any other political subdivision not be accorded the right to strike or engage in any work stoppage or slowdown. This necessary prohibition does not, however, require that denial to such employees of other well-recognized rights of labor such as the right to organize, to be represented by a collective bargaining representative of their choice and the right to bargain collectively concerning wages, hours and other terms and conditions of employment; and such employees shall also have the right to refrain from any and all such activities.

B. It is declared to be the public policy of this state to accord to peace officers of the state, county and other political subdivisions all of the rights of labor, other than the right to strike or to engage in any work stoppage or slowdown. Nothing in this article shall constitute a grant of the right to peace officers and such strikes are hereby prohibited.

C. It is declared to be the public policy of the State of Oklahoma that no person shall be discharged from or denied employment as a peace officer by reason of membership or nonmembership in, or the payment or non-payment of any dues, fees or other charges to, an organization of such members for collective bargaining purposes as herein contemplated.

D. The establishment of this method of arbitration shall not, however, in any way whatever, be deemed to be a recognition by the state of compulsory arbitration as a superior method of settling labor disputes between employees who possess the right to strike and their employers, but rather shall be deemed to be a recognition solely of the necessity to provide some alternative procedure for settling disputes where employees must, as a matter of public policy, be denied the usual right to strike.

SECTION 5. This act shall become effective September 1, 1991.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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