

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 830

BY: DOUGLASS

AS INTRODUCED

AN ACT RELATING TO MUNICIPAL EMPLOYEES; AMENDING 11

O.S. 1991, SECTION 50-123, WHICH RELATES TO POLICE  
PENSION AND RETIREMENT SYSTEMS; REQUIRING  
MUNICIPALITIES TO ESTABLISH BOARD OF REVIEW TO HEAR  
APPEALS CONCERNING THE DISCHARGE OF CERTAIN  
MEMBERS; MODIFYING MEMBERSHIP OF BOARD; PROHIBITING  
CERTAIN MEMBERS FROM BEING DISCHARGED EXCEPT FOR  
CAUSE; AUTHORIZING CERTAIN MEMBERS TO APPEAL  
DISCHARGE TO BOARD OF REVIEW; EXCLUDING CERTAIN  
MUNICIPALITIES FROM APPEALING DECISIONS OF THE  
BOARD OF REVIEW; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 50-123, is amended to read as follows:

Section 50-123. A. The governing body of every participating municipality, except municipalities which have provided for a civil service board of review or merit board, or have negotiated a contract covering appeals from the discharge with their of members who have completed an initial period of employment probation to hear such appeals, shall establish a board of review to hear appeals concerning the discharge of members who have completed an initial

period of employment probation. The board of review shall consist of the mayor or his designee, ex officio, who shall be a voting member, and four members to be appointed by the governing body of the participating municipality, as follows:

1. Two police officers retired or active from the police department of the municipality; and

2. One attorney and one licensed physician residing in the municipality.

Whenever persons meeting the qualifications of this subsection are unavailable for appointments, the mayor shall in lieu thereof make the appointments from the governing body of the municipality, except that neither the Chief of Police nor any person having direct appointive authority for police personnel shall be eligible for appointment to said board. Appointive members of the board shall serve at the pleasure of the appointing official.

B. No member who has completed an initial period of employment probation may be discharged except for cause. Any member who has completed an initial period of employment probation and is discharged may appeal to the board of review herein provided.

Appeals from decisions of said board of review may be taken in the manner provided for in this article, provided the provisions of this section relating to the board of review and discharge shall not apply to any municipality which has heretofore or hereinafter established by its charter or negotiated contract, a civil service, ~~or~~ merit system, or contract review board pertaining to the appointment and discharge of members who have completed an initial period of employment probation and an independent board or commission having authority to hear actions involving the discharge of such members.

SECTION 2. 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.

43-2-1814

MJM