

ENROLLED SENATE
BILL NO. 1173

By: Long (Lewis) and Fisher of
the Senate

and

Glover, Toure and Monks of
the House

An Act relating to cities and towns; amending 11 O.S. 1991, Section 51-108, which relates to fire and police arbitration; allowing certain parties to submit arbitration statements prior to arbitration board hearing; specifying contents of statement; authorizing arbitration board to conduct hearing and select best offer; modifying certain procedures; specifying criteria for selection; prohibiting arbitration board from modifying best offer; providing for notice of selection decision; deleting certain post-hearing provisions; providing for special municipal election in certain circumstances; requiring clerk to notify certain people of request for election; directing when election shall be held; defining laws to govern election; specifying who may vote; describing ballot content; fixing time when selected or voted agreements become effective; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 51-108, is amended to read as follows:

Section 51-108. A. 1. The arbitration board acting through its chairman shall call a hearing to be held within ten (10) days after the date of the appointment of the chairman and shall, acting through its chairman, give at least seven (7) days' notice in writing to each of the other two arbitrators, the bargaining agent and the corporate authorities of the time and place of such hearing.

2. At least seven (7) days before the date of the hearing the corporate authorities and the bargaining agent shall submit to each other and to the arbitration board members a written arbitration statement listing all contract terms which the parties have resolved and all contract issues which are unresolved. Each arbitration statement shall also include a final offer on each unresolved issue. The terms and offers contained in the arbitration statements shall be known collectively as each parties' last best offer.

3. The hearing shall be informal and the rules of evidence prevailing in judicial proceedings shall not be binding. Any and all documentary evidence and other data deemed relevant by the arbitrators may be received in evidence. The arbitrators shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books,

records, and other evidence relative or pertinent to the issues presented to them for determination. A hearing shall be concluded within twenty (20) days from the time of commencement. ~~Within ten (10) days after the conclusion of the hearing, the arbitrators shall issue a written opinion containing findings and recommendations with respect to the issues presented. A copy of said opinion shall be mailed or otherwise delivered to the bargaining agent and the corporate authorities. The corporate authorities are authorized, but not required, to adopt the majority opinion of the arbitrators and if adopted the agreement shall be binding upon the bargaining agent and the corporate authorities. Provided, however, if the majority opinion of the arbitrators is not adopted, the corporate authorities shall be required to resume the collective bargaining process as provided in Section 51-105 of this title.~~

4. Within seven (7) days after the conclusion of the hearing, a majority of the arbitration board members shall select one of the two last best offers as the contract of the parties. The criteria to be used by the board in determining which offer to select shall be limited to paragraphs 1 through 5 of Section 51-109 of this title. The arbitration board may not modify, add to or delete from the last best offer of either party. Written notice of the selection decision shall be mailed or delivered to the bargaining agent and the corporate authorities.

B. If the city's last best offer is not selected by the arbitration board, that party may submit the offers which the parties submitted to the arbitration board to the voters of the municipality for their selection by requesting a special election for that purpose. The request for an election must be filed with the clerk of the municipality within ten (10) days of the date of the written decision of the arbitration board. Written notice of the filing of the request shall be given to the bargaining agent. If a request for an election is not filed in a timely manner, the board's selection decision shall be final, and the last best offer it selected shall constitute the agreement of the parties.

C. Upon receiving a request for an election pursuant to the provisions of this section, the clerk shall notify the mayor and governing body of the request. Within ten (10) days of such notification the municipal authorities shall call for a special election. The election shall be governed by the state laws on special municipal elections except that only a minimum of thirty (30) days' notice shall be required to be given to the county election board conducting said election. Only residents of the municipality shall be eligible to vote in said election. The ballot shall inform the voters that they must choose either the last best offer of the bargaining agent or the last best offer of the corporate authorities. The last best offer receiving a majority of the votes shall become the agreement of the parties.

D. Concerning issues relating to money, such ballot shall clearly state the total dollar amount of the offer from the corporate authority and the total dollar amount of the offer from the bargaining agent. Such ballot shall also disclose the percentage of increase or decrease both offers have over or under the last contract of the two parties.

E. Agreements which are reached as a result of selection by the arbitration board or by election shall be effective on the first day of the fiscal year involved regardless of the date of the final selection.

SECTION 2. This act shall become effective July 1, 1994.
Passed the Senate the 26th day of April, 1994.

President of the Senate

Passed the House of Representatives the 19th day of April, 1994.

Speaker of the House of
Representatives