

SHORT TITLE: Cities and towns; allowing collective bargaining arbitration to be final and binding; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 45

By: Miles-LaGrange

AS INTRODUCED

An Act relating to police-fire collective bargaining;
amending 11 O.S. 1991, Section 51-108, which
relates to binding arbitration; allowing certain
parties to submit unresolved issues to binding
arbitration under certain circumstances;
prohibiting the submission of certain unresolved
issues to binding arbitration; providing procedure;
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. 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.
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. If the bargaining agent and corporate authority are unable to reach an agreement within thirty (30) days from the date the corporate authority rejects the majority opinion of the arbitrator, either party may submit the unresolved issues to final and binding interest arbitration. The parties shall not submit any unresolved issues to binding interest arbitration unless they previously submitted such issues to arbitration pursuant to Section 51-106 of this title.

In the event that either party submits such unresolved issues to final and binding interest arbitration, the parties shall proceed as follows:

1. The parties shall select arbitration as provided in Section 51-107 of this title;

2. The arbitration panel shall, acting through its chairman, hold a hearing 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. 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 into 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;

3. At the commencement of the hearing, each party shall submit to the panel a single written statement listing all unresolved issues and containing its last and best offer for each of the unresolved issues. Said issues shall be the only issues presented for resolution to the panel. Within (10) days after the conclusion of the hearing, a majority of the panel shall select one of the two written statements as its decision on the issues and shall give written notice of decision to the parties. The decision of the panel shall be final and binding upon the parties; and

4. The factors to be given weight by the arbitrators in arriving at a decision shall only be the factors listed in Section 51-109 of this title.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0168

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