

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1926

By: Pettigrew

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 1991, Section 51-102, which relates to definitions concerning firefighters and police arbitration; modifying certain definitions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 51-102, is amended to read as follows:

Section 51-102. As used in this article, unless the context requires a different interpretation:

1. "Firefighters and police officers" shall mean the permanent paid members of any fire department or police department in any municipality within the State of Oklahoma but shall not include the chief of police ~~and an administrative assistant and~~, the chief of the fire department ~~and an administrative assistant~~. ~~The administrative assistant shall be that person so designated by the chief of the police department.~~ "Police officers" as used herein shall be those persons as defined in Section 50-101 of this title. and any supervisory or management personnel designated by the chief of police or chief of the fire department. However, the number of

such supervisory or management personnel to be excluded from either the police or fire bargaining unit shall not exceed the following limits:

- a. in municipalities with a population of two hundred thousand (200,000) or above, three percent (3%) of the total number of sworn personnel may be removed, provided that not less than sixteen nor more than thirty-two are removed,
- b. in municipalities with a population of fifty thousand (50,000) to one hundred ninety-nine thousand nine hundred ninety-nine (199,999), ten percent (10%) of the total number of sworn personnel may be removed, provided that not less than eight nor more than sixteen are removed, and
- c. in municipalities with a population of forty-nine thousand nine hundred ninety-nine (49,999) or below, twenty percent (20%) of the total number of sworn personnel may be removed, provided that not less than two nor more than eight are removed;

2. "Corporate authorities" means the proper officials, singly or collectively, within any municipality whose duty or duties it is to establish the wages, salaries, rates of pay, hours, working conditions and other terms and conditions of employment of firefighters or police officers, whether they be the mayor, city manager, town manager, town administrator, city council, town council, director of personnel, personnel board or commission, or by whatever other name the same may be designated, or any combination thereof. It is not the intent of this paragraph that the above-named officials shall in any way be exclusive or limiting-;i

3. "Strike" shall mean the concerted failure to report for duty, the willful absence from one's position, unauthorized holidays, sickness unsubstantiated by a physician's statement, the

stoppage of work, or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment, for the purpose of inducing, influencing or coercing a change in the conditions, compensation, rights, privileges or obligations of employment. Nothing contained in this article shall be construed to limit, impair or affect the right of any public employee to the expression or communication of a view, grievance, complaint or opinion on any matter related to the conditions or compensation of public employment or their betterment, so long as the same does not interfere with the full, faithful and proper performance of the duties of employment-;

4. "Bargaining agent" shall mean ~~any lawful association, fraternal organization, labor organization, federation or council having as one of its purposes the improvement of wages, hours and other conditions of employment among employees of fire and police departments.~~ a professional association consisting solely of members who are employed by and serve in the fire or police department it proposes to represent;

5. "Collective bargaining" shall mean the performance of the mutual obligation of the municipal employer or his designated representatives and the representative of the employees to meet at reasonable times, including meetings appropriately related to the budget-making process; to confer in good faith with respect to wages, hours and other conditions of employment, or the negotiation of an agreement, or any question arising thereunder; and to execute a written contract incorporating any agreement reached if requested by either party. Such obligation shall not, however, compel either party to agree to a proposal or require the making of a concession-;

6. "Unfair labor practices" for the purpose of this article shall be deemed to include but not be limited to the following acts and conduct:

6a. action by corporate authorities:

- (1) interfering with, restraining, intimidating or coercing employees in the exercise of the rights guaranteed them by this article~~7.1~~
- (2) dominating or interfering with the formation, existence or administration of any employee organization or bargaining agent~~7.1~~
- (3) interfering in any manner whatsoever with the process of selection by firefighters or police officers of their respective bargaining agents or attempting to influence, coerce or intimidate individuals in such selection~~7.1~~
- (4) discharging or otherwise disciplining or discriminating against a police officer or firefighter because he has signed or filed any affidavit, petition or complaint or has given any information or testimony under this article or because of his election to be represented by the bargaining agent~~7.1~~
- (5) refusing to bargain collectively or discuss grievances in good faith with the designated bargaining agent with respect to any issue coming within the purview of this article~~7.1~~ or
- (6) instituting or attempting to institute a lockout~~7.1~~

6b. action by bargaining agent:

- (1) interfering with, restraining, intimidating or coercing employees in the exercise of the rights guaranteed them by this article~~7.1~~
- (2) interfering with or attempting to coerce the corporate authorities in the selection of their representatives for the purposes of collective bargaining or the adjustment of grievances~~7.1~~ or

(3) refusing to bargain collectively or discuss grievances in good faith with the proper corporate authorities with respect to any issue coming within the purview of this article-; and

7. "Board" shall mean the Public Employees Relations Board.

SECTION 2. This act shall become effective July 1, 1997.

SECTION 3. 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.

46-1-6117

JAF