

1 Section 901.30 A. The protection of the public health, safety
2 and welfare demands that the permanent members of any Rural Fire
3 Protection District not be accorded the right to strike or engage in
4 any work stoppage or slowdown. This necessary prohibition does not,
5 however, require the denial to such employees of other well-
6 recognized rights of labor such as the right to organize, to be
7 represented by a collective bargaining representative of their
8 choice and the right to bargain collectively concerning wages, hours
9 and other terms and conditions of employment; and such employees
10 shall also have the right to refrain from any and all such
11 activities.

12 B. It is declared to be the public policy of this state to
13 accord to the full-time firefighters in a Rural Fire Protection
14 District all of the rights of labor, other than the right to strike
15 or to engage in any work stoppage or slowdown. Nothing in this act
16 shall constitute a grant of the right to strike to any full-time
17 firefighter in a Rural Fire Protection District and such strikes are
18 hereby prohibited. Unless otherwise provided by law, any person
19 holding such a position who, by concerted action with others and
20 without the lawful approval of the person's superior, willfully
21 absents the person from his or her position or abstains in whole or
22 in part from the full, faithful and proper performance of such
23 person's duties for the purpose of inducing, influencing or coercing

1 a change in the conditions or compensation, or the rights,
2 privileges or obligations of employment shall be deemed to be on
3 strike but the person, upon request, shall be entitled to a
4 determination as to whether he or she did violate the provisions of
5 this act. The request shall be filed in writing. The official or
6 body with whom the request is filed shall have the power to remove
7 or discipline such employee within ten (10) days after regular
8 compensation of such employee has ceased or other discipline has
9 been imposed. In the event of such request, the official or body
10 shall within ten (10) days after the receipt of such request
11 commence a proceeding for the determination of whether the
12 provisions of this act have been violated by the full-time
13 firefighter in a Rural Fire Protection District, in accordance with
14 the law and regulations appropriate to a proceeding to remove a
15 full-time firefighter in a Rural Fire Protection District. The
16 proceedings shall be undertaken without unnecessary delay. The
17 decision of the proceeding shall be made within ten (10) days
18 following the conclusion of the hearing. If the employee involved
19 is held to have violated this act and his or her employment
20 terminated or other discipline imposed, the employee shall have the
21 right of review in the district court having jurisdiction of the
22 parties, within thirty (30) days from such decision, for
23 determination whether such decision is supported by competent,

1 material and substantial evidence on the whole record. To provide
2 for the exercise of these rights, a method of arbitration of
3 disputes is hereby established.

4 ~~B.~~ C. It is declared to be the public policy of the State of
5 Oklahoma that no person shall be discharged from or denied
6 employment as a member of any Rural Fire Protection District of this
7 state by reason of membership or nonmembership in, or the payment or
8 nonpayment of any dues, fees or other charges to, an organization of
9 such members for collective bargaining purposes as herein
10 contemplated.

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

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 901.30-2.1 of Title 19, unless
21 there is created a duplication in numbering, reads as follows:

22 A. To accomplish the objectives and to perform the duties
23 prescribed by this act, the Public Employees Relations Board may

1 subpoena witnesses, issue subpoenas to require the production of
2 books, papers, records, and documents which may be needed as
3 evidence of any matter under inquiry, and administer oaths and
4 affirmations. In cases of neglect or refusal to obey a subpoena
5 issued to any person, the district court of the county in which the
6 investigations or the public hearings are taking place, upon
7 application by the Board, may issue an order requiring such person
8 to appear before the Board and produce evidence about the matter
9 under investigation. Failure to obey such order may be punished by
10 the court as contempt.

11 B. Any subpoena, notice of hearing, or other process or notice
12 of the Board issued under the provisions of this act may be served
13 personally, by registered mail, or by leaving a copy at the
14 principal office of the person required to be served. A return made
15 and verified by the individual making such service and setting forth
16 the manner of such service shall be proof of service, and a returned
17 post office receipt, when registered or certified mail is used,
18 shall be proof of service.

19 C. The Board shall adopt, promulgate, amend, or rescind such
20 rules as it deems necessary to carry out the provisions of this act.
21 Public hearings shall be held by the Board on any proposed rule of
22 general applicability designed to implement, interpret, or prescribe
23 policy, procedure or practice requirements under the provisions of

1 this act and on any proposed change to such existing rule.
2 Reasonable notice shall be given prior to such hearings, which shall
3 include the time, place, and nature of such hearing and the terms or
4 substance of the proposed rule or the changes to such rule.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 901.30-2.2 of Title 19, unless
7 there is created a duplication in numbering, reads as follows:

8 A. The Public Employees Relations Board is empowered, as
9 hereinafter provided, to prevent any person, including a bargaining
10 agent and corporate authorities, from engaging in any unfair labor
11 practice as defined herein.

12 B. Whenever it is charged that any person has engaged in or is
13 engaging in any such unfair labor practice, the Board shall have the
14 power to issue and cause to be served upon such person a complaint
15 stating the charges in that respect and containing a notice of
16 hearing before the Board, at a place therein fixed, not less than
17 five (5) days after the serving of the complaint. The respondent
18 shall have the right to file an answer and to appear and give
19 testimony at the time and place fixed in the complaint. At the
20 discretion of the Board, any other person may be allowed to
21 intervene in such proceeding.

22 C. If, upon the preponderance of the testimony taken, the Board
23 shall be of the opinion that the person named in the complaint has

1 engaged in or is engaging in any such unfair labor practice, then
2 the Board shall state its findings of fact and shall issue and cause
3 to be served on such person an order requiring such person to cease
4 and desist from such unfair labor practice. Such order may further
5 require such person to make reports from time to time showing the
6 extent to which it has complied with the order. If, upon the
7 preponderance of the testimony taken, the Board shall not be of the
8 opinion that the respondent has engaged in or is engaging in any
9 such unfair labor practice, then the Board shall state its findings
10 of fact and shall issue an order dismissing the complaint.

11 D. The Board, or any interested party, shall have the power to
12 petition the district court, wherein the unfair labor practice in
13 question occurred, for the enforcement of such order and for
14 appropriate temporary relief from restraining order.

15 SECTION 4. AMENDATORY Section 7, Chapter 136, O.S.L.
16 2003 (19 O.S. Supp. 2003, Section 901.30-6), is amended to read as
17 follows:

18 Section 901.30-6. A. If the corporate authority's last best
19 offer is not selected by the arbitration board, that party may
20 submit the offers which the parties submitted to the arbitration
21 board to the voters of the Fire Protection District for their
22 selection by requesting a special election for that purpose. The
23 request for an election must be filed with the Clerk of the Board of

1 Directors for the Fire Protection District within ten (10) days of
2 the date of the written decision of the arbitration board. Written
3 notice of the filing of the request shall be given to the bargaining
4 agent. If a request for an election is not filed in a timely
5 manner, the board's selection decision shall be final, and the last
6 best offer it selected shall constitute the agreements of the
7 parties.

8 B. Upon receiving a request for an election pursuant to the
9 provision of this section, the District Clerk shall notify the
10 governing body of the Fire Protection District of the request.
11 Within ten (10) days of such notification the governing body shall
12 call for a special election. The election shall be governed by the
13 state laws on Fire Protection District elections and the election
14 shall be held as nearly as may be in conformity with the state law
15 provisions governing bond elections for the Fire Protection
16 District; provided, no informalities in conducting such election
17 shall invalidate the same if the election shall have been otherwise
18 fairly conducted. Only residents of the Fire Protection District
19 who are qualified electors in their respective precincts shall be
20 eligible to vote in said election. The ballot shall inform the
21 voters that they must choose either the last best offer of the
22 bargaining agent or the last best offer of the corporate authority.

1 The last best offer receiving a majority of the votes shall become
2 the agreement of the parties.

3 C. Concerning issues relating to money, such ballot shall
4 clearly state the total dollar amount of the offer from the union
5 and the total dollar amount of the offer from the employer. Such
6 ballot shall also disclose the percentage of increase or decrease
7 both offers have over or under the last contract of the two parties.

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

12 SECTION 5. This act shall become effective November 1, 2004.

13 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-9-04 -
14 DO PASS.