

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1586

By: Rabon

4  
5 AS INTRODUCED

6 An Act relating to schools; amending 70 O.S. 2001,  
7 Section 509.7, which relates to impasses; modifying  
8 procedure for resolving impasses; requiring selection  
9 of last best offer; allowing special election;  
10 stating procedures; amending 70 O.S. 2001, Section  
11 509.9, which relates to discrimination; clarifying  
12 language; providing for codification; providing an  
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2001, Section 509.7, is  
16 amended to read as follows:

17 Section 509.7 A procedure for resolving impasses will be  
18 developed by the board of education and the representatives of the  
19 organization. ~~Said~~ The procedure shall include the actions set  
20 forth in this section and may include such other actions as are  
21 agreed to by both parties. Unless otherwise provided for by law,  
22 "days" means calendar days. Time limits set forth herein may be  
23 extended by mutual agreement of the parties.

24 A. If negotiations are not successfully concluded by the first  
day of school, impasse shall exist. At any earlier time, either  
party may declare impasse. Upon reaching of impasse, the items

1 causing the impasse shall be referred to a three-member fact-finding  
2 committee. This committee shall consist of:

3 1. One member who shall be selected by the representatives of  
4 the organization within five (5) days after the reaching of impasse;

5 2. One member who shall be selected by the ~~local~~ board of  
6 education within five (5) days after the reaching of impasse; and

7 3. One member who shall serve as ~~chairperson~~ chair of the  
8 committee and shall be selected as follows:

9 a. the State Board of Education shall appoint as fact-  
10 finders not less than twenty nor more than thirty  
11 persons to be placed on the State Superintendent's  
12 list of fact-finders. The appointees must reside in  
13 Oklahoma, must be neutral and unbiased and must be  
14 knowledgeable in the fields of school operations,  
15 school finance, personnel management, dispute  
16 resolution and hearing procedures. The appointees  
17 shall not currently be elected public officers or  
18 employees of a board of education or officers or  
19 employees of an organization of education employees.  
20 No person who is related within the second degree by  
21 consanguinity or affinity to an elected public  
22 officer, to an employee of the ~~local~~ board of  
23 education that is involved in the impasse, or to an  
24

1 employee of an organization of education employees  
2 shall be eligible to serve as a fact-finder~~-,~~

3 b. an appointee shall serve until such appointee resigns  
4 or is removed by the State Board of Education from the  
5 State Superintendent's list of fact-finders. An  
6 appointee must be removed immediately if he or she  
7 becomes an elected public officer or employee of a  
8 board of education or an officer or employee of an  
9 organization of education employees~~-,~~

10 c. within ten (10) days of being notified that a fact-  
11 finder is needed, the State Superintendent of Public  
12 Instruction or designee shall provide the names of  
13 five potential fact-finders selected at random from  
14 the list of appointees who are available to serve as a  
15 member and the ~~chairperson~~ chair of the committee.  
16 The parties shall select the fact-finder from the five  
17 names within fifteen (15) days after receiving the  
18 list of fact-finders~~-,~~ and

19 d. it shall be the responsibility of the State Board of  
20 Education to establish rules, ~~regulations,~~ training,  
21 hearing procedures, and payment schedules to implement  
22 the provisions of this paragraph.

23 B. Within five (5) days after the selection of the ~~chairperson~~  
24 chair, the representatives who have been negotiating for the board

1 and for the organization shall meet to exchange written language on  
2 each item at impasse. The exchanged documents shall also be  
3 furnished by each party to the ~~chairperson~~ chair and other members  
4 of the committee.

5 C. The ~~chairperson~~ chair shall convene the fact-finding  
6 committee ~~for fact finding~~. This committee shall meet with the  
7 representatives of both parties. Within twenty (20) days after the  
8 ~~chairperson~~ chair is selected, the committee shall present written  
9 recommendations to the ~~local~~ board and to the organization.

10 D. ~~If either party decides it must reject one or more of the~~  
11 ~~committee's recommendations, said party must, within seven (7) days~~  
12 ~~after the committee has presented its recommendations, request a~~  
13 ~~meeting of the representatives who have been negotiating for the~~  
14 ~~board and for the organization. The parties shall meet within seven~~  
15 ~~(7) days of the request, unless both parties deem it unnecessary.~~  
16 ~~At such meeting, the representatives shall exchange written~~  
17 ~~statements expressing each party's rationale for rejecting each~~  
18 ~~recommendation found unacceptable and shall attempt to clarify any~~  
19 ~~remaining differences. The representatives shall then resume good~~  
20 ~~faith effort to resolve the remaining differences, provided, after~~  
21 ~~fourteen (14) days after the exchange of the written statements,~~  
22 ~~either party may discontinue such effort.~~

23 E. ~~The local board shall file a copy of the fact-finding report~~  
24 ~~with the office of the State Superintendent of Public Instruction.~~

1 ~~If the effort to resolve differences is successful~~ If both parties  
2 are in agreement with the decision of the fact-finding committee,  
3 the parties shall draft a written agreement and present the  
4 agreement to both parties for ratification, and ~~such~~ the agreement  
5 shall also be forwarded to the State Superintendent of Public  
6 Instruction. ~~If the effort to resolve differences is unsuccessful,~~  
7 ~~the local board of education shall forward to the State~~  
8 ~~Superintendent of Public Instruction in writing its final~~  
9 ~~disposition of the negotiations impasse process within thirty (30)~~  
10 ~~days of the effective date of implementation.~~

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 509.7a of Title 70, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. A party in disagreement with the decision of the fact-  
15 finding committee may request the board of education to submit the  
16 last best offers, which the parties submitted to the fact-finding  
17 committee, to the voters of the district for their selection by  
18 requesting a special election for that purpose. The request for an  
19 election must be filed with the county election secretary within ten  
20 (10) days of the date of the written decision of the fact-finding  
21 committee. Written notice of the filing of the request shall be  
22 given to the bargaining agent. If a request for an election is not  
23 filed in a timely manner, the fact-finding committee selection  
24

1 decision shall be final, and the last best offer it selected shall  
2 constitute the agreement of the parties.

3 B. If the request for an election is properly filed, the board  
4 of education shall call for a special election. The election shall  
5 be governed by the state laws on special elections, Section 12-101  
6 et seq. of Title 26 of the Oklahoma Statutes, except that only a  
7 minimum of thirty (30) days' notice shall be required to be given to  
8 the county election board conducting the election. The board of  
9 education shall bear the cost of the election. Only residents of  
10 the school district shall be eligible to vote in the election. The  
11 ballot language shall be written by the fact-finding committee. The  
12 ballot shall inform the voters that they must choose either the last  
13 best offer of the organization or the last best offer of the board  
14 of education. The last best offer receiving a majority of the votes  
15 cast shall become the agreement of the parties.

16 C. After the election the parties shall draft a written  
17 agreement, and such agreement shall also be forwarded to the State  
18 Superintendent of Public Instruction.

19 D. Concerning issues relating to money, such ballot shall  
20 clearly state the total dollar amount of the offer from the board  
21 and the total dollar amount of the offer from the organization.  
22 Such ballot shall also disclose the percentage of increase or  
23 decrease both offers have over or under the last contract of the two  
24 parties.

1 E. Agreements which are reached as a result of selection by the  
2 fact-finding committee or by election shall be effective on the  
3 first day of the fiscal year involved regardless of the date of the  
4 final selection.

5 SECTION 3. AMENDATORY 70 O.S. 2001, Section 509.9, is  
6 amended to read as follows:

7 Section 509.9 No employee shall be discriminated against by the  
8 board of education, superintendent or any other administrative  
9 officer of a district or by any employee organization, its officers  
10 or any member thereof because of ~~his~~ the exercise or nonexercise of  
11 rights under this act. It shall be prohibited for an employee  
12 organization, employee or employer to impede, restrain or coerce an  
13 employer or employees in the exercise of the rights guaranteed in  
14 Sections 509.1 through 509.10 of this title and Section 2 of this  
15 act.

16 SECTION 4. This act shall become effective July 1, 2008.

17 SECTION 5. It being immediately necessary for the preservation  
18 of the public peace, health and safety, an emergency is hereby  
19 declared to exist, by reason whereof this act shall take effect and  
20 be in full force from and after its passage and approval.

21  
22 51-2-2269 KM 1/22/2008 8:36:48 PM

23  
24