

THE HOUSE OF REPRESENTATIVES  
Wednesday, February 3, 2010

House Bill No. 2554

HOUSE BILL NO. 2554 - By: MARTIN (STEVE) of the House.

An Act relating to cities and towns; amending Section 12, Chapter 62, O.S.L. 2004 (11 O.S. Supp. 2009, Section 51-211), which relates to the Oklahoma Municipal Employee Collective Bargaining Act; modifying allowed procedure for board certification of an employee organization; eliminating authorization and procedure for certification without an election; clarifying language; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 12, Chapter 62, O.S.L. 2004 (11 O.S.  
2 Supp. 2009, Section 51-211), is amended to read as follows:

3 Section 51-211. A. Board certification of an employee organization as the exclusive  
4 bargaining representative of a bargaining unit shall be considered upon a petition being  
5 filed with the Public Employees Relations Board by a municipal employee or an employee  
6 organization and an election pursuant to Section ~~13~~ 51-212 of this ~~act or upon~~  
7 ~~administratively acceptable evidence that a majority of bargaining unit employees have~~  
8 ~~authorized an employee organization to represent them for the purposes of collective~~  
9 bargaining title.

10 B. A petition of an employee organization for a representation election shall be  
11 accompanied by written evidence that thirty percent (30%) of the municipal employees  
12 have authorized it to represent them for the purposes of collective bargaining. ~~A petition~~

1 by an employee organization for certification without an election shall be accompanied by  
2 written evidence alleging that a majority of the municipal employees have authorized it  
3 to represent them for the purposes of collective bargaining. Upon validating the evidence  
4 that a majority of the municipal employees in a bargaining unit have authorized it to  
5 represent them for the purposes of collective bargaining, the Board shall certify the  
6 employee organization as the exclusive representative of the bargaining unit unless  
7 another employee organization submits written evidence within fifteen (15) days of the  
8 initial petition that thirty percent (30%) of such municipal employees have authorized it  
9 to represent them for the purposes of collective bargaining. In the event of a competing  
10 request for recognition and certification, the Board shall conduct an election in  
11 accordance with Section ~~13~~ 51-212 of this act ~~act~~ title.

12 C. For the purpose of decertification, the petition of a municipal employee or  
13 employee organization shall allege that an employee organization which has been  
14 certified or recognized as the exclusive bargaining representative of an appropriate unit  
15 does not represent a majority of the municipal employees and that the petitioners do not  
16 want to be represented by an employee organization or seek certification of a different  
17 employee organization. The petition shall be accompanied by written evidence that fifty  
18 percent (50%) of the employees do not want to be represented by the exclusive  
19 representative employee organization or seek certification of a different employee  
20 organization. Upon validation of the fifty percent (50%) showing of interest, the Board  
21 shall conduct a secret ballot election in accordance with Section ~~13~~ 51-212 of this act ~~act~~ title.

1 D. The Board shall investigate the allegations of any petition and shall give  
2 reasonable notice of the receipt of the petition to all municipal employees, employee  
3 organizations, and municipal employers named or described in such petitions or  
4 interested in the representation question. When necessary, the Board shall call an  
5 election under Section ~~43~~ 51-212 of this ~~act~~ title within thirty (30) days of receipt of a  
6 petition unless it finds that less than thirty percent (30%) of the municipal employees in  
7 the unit appropriate for collective bargaining support the petition for certification, or it  
8 finds that less than fifty percent (50%) of employees in the unit appropriate for collective  
9 bargaining support the petition for decertification, or the appropriate bargaining unit has  
10 not been determined pursuant to Section ~~44~~ 51-210 of this ~~act~~ title.

11 E. The hearing and appeal procedures shall be the same as provided for in Section  
12 ~~40~~ 51-209 of this ~~act~~ title.

13 SECTION 2. This act shall become effective November 1, 2010.

14 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated  
15 02-02-10 - DO PASS.