

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2554

By: Martin (Steve)

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6 AS INTRODUCED

7 An Act relating to cities and towns; amending Section  
8 12, Chapter 62, O.S.L. 2004 (11 O.S. Supp. 2009,  
9 Section 51-211), which relates to the Oklahoma  
10 Municipal Employee Collective Bargaining Act;  
11 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.

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

15 SECTION 1. AMENDATORY Section 12, Chapter 62, O.S.L.  
16 2004 (11 O.S. Supp. 2009, Section 51-211), is amended to read as  
17 follows:

18 Section 51-211. A. Board certification of an employee  
19 organization as the exclusive bargaining representative of a  
20 bargaining unit shall be considered upon a petition being filed with  
21 the Public Employees Relations Board by a municipal employee or an  
22 employee organization and an election pursuant to Section ~~13~~ 51-212  
23 of this act ~~or upon administratively acceptable evidence that a~~  
24 ~~majority of bargaining unit employees have authorized an employee~~

1 ~~organization to represent them for the purposes of collective~~  
2 ~~bargaining title.~~

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

21 C. For the purpose of decertification, the petition of a  
22 municipal employee or employee organization shall allege that an  
23 employee organization which has been certified or recognized as the  
24 exclusive bargaining representative of an appropriate unit does not

1 represent a majority of the municipal employees and that the  
2 petitioners do not want to be represented by an employee  
3 organization or seek certification of a different employee  
4 organization. The petition shall be accompanied by written evidence  
5 that fifty percent (50%) of the employees do not want to be  
6 represented by the exclusive representative employee organization or  
7 seek certification of a different employee organization. Upon  
8 validation of the fifty percent (50%) showing of interest, the Board  
9 shall conduct a secret ballot election in accordance with Section ~~13~~  
10 51-212 of this ~~act~~ title.

11 D. The Board shall investigate the allegations of any petition  
12 and shall give reasonable notice of the receipt of the petition to  
13 all municipal employees, employee organizations, and municipal  
14 employers named or described in such petitions or interested in the  
15 representation question. When necessary, the Board shall call an  
16 election under Section ~~13~~ 51-212 of this ~~act~~ title within thirty  
17 (30) days of receipt of a petition unless it finds that less than  
18 thirty percent (30%) of the municipal employees in the unit  
19 appropriate for collective bargaining support the petition for  
20 certification, or it finds that less than fifty percent (50%) of  
21 employees in the unit appropriate for collective bargaining support  
22 the petition for decertification, or the appropriate bargaining unit  
23 has not been determined pursuant to Section ~~11~~ 51-210 of this ~~act~~  
24 title.

1 E. The hearing and appeal procedures shall be the same as  
2 provided for in Section ~~10~~ 51-209 of this ~~act~~ title.

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