

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 53rd Legislature (2011)

4 HOUSE BILL 1210

                                  By: Kirby

7                                   AS INTRODUCED

8                   An Act relating to cities and towns; amending 11 O.S.  
9                   2001, Sections 51-107 and 51-109, which relate to  
10                  fire and police arbitration; modifying procedure for  
                    selection of third arbitrator; modifying factors to  
                    be considered by arbitrator; and providing an  
11                  effective date.

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

14           SECTION 1.        AMENDATORY        11 O.S. 2001, Section 51-107, is  
15 amended to read as follows:

16           Section 51-107.   Within five (5) days from the date of the  
17 request for arbitration referred to in Section 51-106 of this title,  
18 the bargaining agent and the corporate authorities shall each select  
19 and name one arbitrator and shall immediately thereafter notify each  
20 other in writing of the name and address of the person so selected.  
21 The two arbitrators so selected and named shall, within five (5)  
22 days from and after the expiration of the five-day period  
23 hereinabove mentioned, agree upon and select a third arbitrator. If,

1 on the expiration of the period allowed therefor, the arbitrators  
2 are unable to agree upon the selection of a third arbitrator, the  
3 bargaining agent and the corporate authorities shall request the  
4 ~~Federal Mediation and Conciliation Service to provide a list of five~~  
5 ~~arbitrators. Within five (5) days after receipt of the list of~~  
6 ~~arbitrators from the Federal Mediation and Conciliation Service, the~~  
7 ~~two arbitrators already selected shall alternately strike the name~~  
8 ~~of one arbitrator from the list of five until one name remains, with~~  
9 ~~the employer making the first strike from said list~~ chief judge of  
10 the district court in the judicial district in which the  
11 municipality principally resides to select a third arbitrator. At  
12 the time of appointment, either party may object to the selection.  
13 The objection may be made on any grounds applicable to recusal of a  
14 district court judge. The third arbitrator, whether selected as a  
15 result of an agreement between the two arbitrators previously  
16 selected or selected ~~from the list provided by the Federal Mediation~~  
17 ~~and Conciliation Service~~ chief judge, shall act as chairman of the  
18 arbitration board.

19 SECTION 2. AMENDATORY 11 O.S. 2001, Section 51-109, is  
20 amended to read as follows:

21 Section 51-109. The arbitrators shall conduct the hearings and  
22 render their decision upon the basis of a prompt, peaceful and just  
23 settlement of all submitted disputes between the firefighters or  
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1 police officers and the corporate authorities. The factors, among  
2 others, to be given weight by the arbitrators in arriving at a  
3 decision shall include:

4 ~~1. Comparison of wage rates, insurance, retirement, other~~  
5 ~~fringe benefits or hourly conditions of employment of the fire~~  
6 ~~department or police department in question with prevailing wage~~  
7 ~~rates or hourly conditions of employment of skilled employees of the~~  
8 ~~building trades and industry in the local operating area involved;~~

9 ~~2.~~ Comparison of wage rates, insurance, retirement, other  
10 fringe benefits or hourly conditions of employment of the fire  
11 department or police department in question with wage rates or  
12 hourly conditions of employment maintained for the same or similar  
13 work of employees exhibiting like or similar skills under the same  
14 or similar working conditions in the local operating area involved,  
15 including the remaining work force of the municipality and the wage  
16 and benefit history of those employees;

17 ~~3.~~ 2. Comparison For cities of one hundred thousand (100,000)  
18 or greater in population, comparison of wage rates, insurance,  
19 retirement, other fringe benefits or hourly conditions of employment  
20 of the fire department or police department in question with wage  
21 rates or hourly conditions of employment of fire departments or  
22 police departments in cities, towns or other political subdivisions

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1 of comparable size and economic status both within and without the  
2 State of Oklahoma;

3 ~~4.~~ 3. Interest and welfare of the public and revenues available  
4 to the municipality; except revenues available shall only include  
5 those reoccurring revenues designated by the governing body for the  
6 police or fire department, and shall not include the authority for  
7 the arbitrators to require the governing body to allocate additional  
8 funds from any other fund or department already determined by the  
9 governing body; or

10 ~~5. Comparison of peculiarities of employment in regard to other~~  
11 ~~trades or professions, including specifically:~~

- 12 a. ~~hazards of employment,~~
- 13 b. ~~physical qualifications,~~
- 14 c. ~~educational qualifications,~~
- 15 d. ~~mental qualifications, and~~
- 16 e. ~~job training and skills~~

17 4. The proportionate share of nondedicated municipal revenue  
18 dedicated to police and fire salary and benefits.

19 SECTION 3. This act shall become effective November 1, 2011.

20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-17-  
21 2011 - DO PASS.

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