

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

SENATE BILL 1150

By: Griffin of the Senate

5 and

6 Taylor and Downing of the  
7 House

8  
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to school employees; prohibiting  
11 specified existing organizations from continuing to  
12 represent employees; requiring a school district  
13 board of education to hold secret ballot election  
14 after certain date; directing the board of education  
15 to determine how the election shall be conducted;  
16 authorizing the board of education to establish a fee  
17 schedule to fund the election; eliminating  
18 recognition of organization if it fails to receive a  
19 majority of votes; providing for continuation of  
20 contract terms if an organization is eliminated;  
21 providing exception; allowing board of education to  
22 recognize a new employee organization under certain  
23 circumstances; providing requirements for elections  
24 to certify majority support; amending Section 1,  
Chapter 5, O.S.L. 2015 (62 O.S. Supp. 2017, Section  
34.70.1), which relates to state agency payroll  
deductions; modifying prohibition against payroll  
deductions on behalf of certain employees for certain  
membership dues; modifying date of application;  
providing for codification; providing an effective  
date; and declaring an emergency.

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

SECTION 1. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 509.12 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. No existing employee organization established pursuant to the provisions of Section 509.2 of Title 70 of the Oklahoma Statutes shall continue to represent employees as defined in Section 509.2 or 1-116 of Title 70 of the Oklahoma Statutes after December 31, 2019, except as provided for in this section.

B. 1. After December 31, 2019, a school district board of education shall hold a secret ballot election for all employees in any bargaining unit represented by an existing employee organization to determine whether the organization retains support of a majority of all employees in the bargaining unit.

2. The school district board of education shall determine whether elections shall be conducted in person, by mail, by telephone, by Internet-based systems or by any other means determined by the board of education to be fair, confidential and reliable. The board of education shall allow employees in the bargaining unit to cast ballots for a period of five (5) business days.

3. The school district board of education may establish a fee schedule, consistent with the provisions of Section 509.2 of Title 70 of the Oklahoma Statutes, for employee organizations subject to

1 elections conducted pursuant to the provisions of this section for  
2 the purpose of funding the election.

3 C. If a majority of all employees in the bargaining unit vote  
4 in favor of retaining the existing employee organization, the  
5 organization shall remain the representative of employees in the  
6 bargaining unit pursuant to the provisions of Section 509.2 of Title  
7 70 of the Oklahoma Statutes. If a majority of all employees in the  
8 bargaining unit do not vote in favor of retaining the existing  
9 employee organization, the school district board of education shall  
10 no longer recognize the organization as the representative of  
11 employees in the unit and the employees shall be unrepresented.

12 D. When an existing employee organization is no longer  
13 recognized, the terms of any preexisting contract between the  
14 employee organization and the school district employees represented  
15 by the organization shall continue and remain in effect for the  
16 remaining contract term, except for any provisions involving in any  
17 manner the employee organization including, but not limited to,  
18 organization security, dues and fees, grievances and arbitration.

19 E. A school district board of education may recognize a new  
20 employee organization in accordance with the provisions of Section  
21 509.2 of Title 70 of the Oklahoma Statutes, but the new employee  
22 organization may not be substantially similar to or affiliated with  
23 an employee organization that has lost recognition pursuant to the  
24

1 provisions of subsection C of this section for twelve (12) months  
2 from the date of the loss of recognition.

3 F. The school district board of education shall hold an  
4 election to certify majority support of existing employee  
5 organizations no earlier than August 1, 2019, and no later than  
6 December 1, 2019, and at least once every five (5) years thereafter.  
7 Elections shall occur no earlier than August 1 and no later than  
8 December 1.

9 SECTION 2. AMENDATORY Section 1, Chapter 5, O.S.L. 2015  
10 (62 O.S. Supp. 2017, Section 34.70.1), is amended to read as  
11 follows:

12 Section 34.70.1. A. It shall be unlawful for any state agency  
13 or political subdivision to make payroll deductions on behalf of a  
14 ~~state~~ an employee for membership dues in any public employee  
15 association or organization or professional organization that on or  
16 after ~~November 1, 2015~~ December 31, 2019, collectively bargains on  
17 behalf of its membership pursuant to any provision of ~~federal law~~  
18 state law or the law of any political subdivision of the state.

19 B. For purposes of this section:

20 1. "State agency" means any office, officer, bureau, board,  
21 counsel, court, commission, institution, unit, division, body or  
22 house of the executive or judicial branches of the state government,  
23 whether elected or appointed, excluding political subdivisions of  
24 the state. State agency shall include public school districts, the

1 Oklahoma State Regents for Higher Education, the institutions,  
2 centers, or other constituent agencies of The Oklahoma State System  
3 of Higher Education, the State Board of Career and Technology  
4 Education, technology center school districts, the State  
5 Legislature, and the Office of the Governor; and

6 2. "Public employee" means an elected or appointed officer or  
7 employee or contract employee of a state agency as defined in this  
8 section, unless otherwise indicated.

9 SECTION 3. This act shall become effective July 1, 2018.

10 SECTION 4. It being immediately necessary for the preservation  
11 of the public peace, health or safety, an emergency is hereby  
12 declared to exist, by reason whereof this act shall take effect and  
13 be in full force from and after its passage and approval.

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