

1 ENGROSSED SENATE
2 BILL NO. 436

By: Dahm of the Senate

3 and

4 Echols of the House

5
6 [cities and towns - fire fighters and police
7 officers - employment definition - effective date]
8

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

10 SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-102, is
11 amended to read as follows:

12 Section 51-102. As used in this article, unless the context
13 requires a different interpretation:

14 1. "Fire fighters and police officers" shall mean the permanent
15 paid members of any fire department or police department in any
16 municipality within the State of Oklahoma but shall not include the
17 chief of police and ~~an administrative assistant~~ assistants and the
18 chief of the fire department and ~~an administrative assistant~~
19 assistants. The administrative ~~assistant~~ assistants shall be ~~that~~
20 ~~person~~ those persons so designated by the chief of the police
21 department and chief of the fire department. "Police officers" as
22 used herein shall be those persons as defined in Section 50-101 of
23 this title. A municipality within the State of Oklahoma shall
24 permit the chief of police and chief of the fire department to

1 designate one administrative assistant. Those municipalities with a
2 population of ninety thousand (90,000) or more persons according to
3 the latest Federal Decennial Census shall permit the chief of police
4 and the chief of the fire department to each designate no more than
5 seven administrative assistants. The City Manager of such
6 municipality, or other such similar municipal official that has
7 statutory authority to appoint or hire other municipal positions,
8 shall have the authority to determine the number of administrative
9 assistants, with the advice of the chief of police or the chief of
10 the fire department.

11 2. "Corporate authorities" means the proper officials, singly
12 or collectively, within any municipality whose duty or duties it is
13 to establish the wages, salaries, rates of pay, hours, working
14 conditions and other terms and conditions of employment of fire
15 fighters or police officers, whether they be the mayor, city
16 manager, town manager, town administrator, city council, town
17 council, director of personnel, personnel board or commission, or by
18 whatever other name the same may be designated, or any combination
19 thereof. It is not the intent of this paragraph that the above-
20 named officials shall in any way be exclusive or limiting.

21 3. "Strike" shall mean the concerted failure to report for
22 duty, the willful absence from one's position, unauthorized
23 holidays, sickness unsubstantiated by a physician's statement, the
24 stoppage of work, or the abstinence in whole or in part from the

1 full, faithful and proper performance of the duties of employment,
2 for the purpose of inducing, influencing or coercing a change in the
3 conditions, compensation, rights, privileges or obligations of
4 employment. Nothing contained in this article shall be construed to
5 limit, impair or affect the right of any public employee to the
6 expression or communication of a view, grievance, complaint or
7 opinion on any matter related to the conditions or compensation of
8 public employment or their betterment, so long as the same does not
9 interfere with the full, faithful and proper performance of the
10 duties of employment.

11 4. "Bargaining agent" shall mean any lawful association,
12 fraternal organization, labor organization, federation or council
13 having as one of its purposes the improvement of wages, hours and
14 other conditions of employment among employees of fire and police
15 departments.

16 5. "Collective bargaining" shall mean the performance of the
17 mutual obligation of the municipal employer or his designated
18 representatives and the representative of the employees to meet at
19 reasonable times, including meetings appropriately related to the
20 budget-making process; to confer in good faith with respect to
21 wages, hours and other conditions of employment, or the negotiation
22 of an agreement, or any question arising thereunder; and to execute
23 a written contract incorporating any agreement reached if requested
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1 by either party. Such obligation shall not, however, compel either
2 party to agree to a proposal or require the making of a concession.

3 6. "Unfair labor practices" for the purpose of this article
4 shall be deemed to include but not be limited to the following acts
5 and conduct:

6 6a. Action by corporate authorities:

- 7 (1) interfering with, restraining, intimidating or
8 coercing employees in the exercise of the rights
9 guaranteed them by this article;
- 10 (2) dominating or interfering with the formation,
11 existence or administration of any employee
12 organization or bargaining agent;
- 13 (3) interfering in any manner whatsoever with the
14 process of selection by fire fighters or police
15 officers of their respective bargaining agents or
16 attempting to influence, coerce or intimidate
17 individuals in such selection;
- 18 (4) discharging or otherwise disciplining or
19 discriminating against a police officer or fire
20 fighter because he has signed or filed any
21 affidavit, petition or complaint or has given any
22 information or testimony under this article or
23 because of his election to be represented by the
24 bargaining agent;

- 1 (5) refusing to bargain collectively or discuss
2 grievances in good faith with the designated
3 bargaining agent with respect to any issue coming
4 within the purview of this article; or
5 (6) instituting or attempting to institute a lockout.

6 ~~6b.~~ Action by bargaining agent:

- 7 (1) interfering with, restraining, intimidating or
8 coercing employees in the exercise of the rights
9 guaranteed them by this article;
10 (2) interfering with or attempting to coerce the
11 corporate authorities in the selection of their
12 representatives for the purposes of collective
13 bargaining or the adjustment of grievances; or
14 (3) refusing to bargain collectively or discuss
15 grievances in good faith with the proper
16 corporate authorities with respect to any issue
17 coming within the purview of this article.

18 7. "Board" shall mean the Public Employees Relations Board.

19 SECTION 2. This act shall become effective November 1, 2017.
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1 Passed the Senate the 22nd day of March, 2017.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives