

**SENATE CHAMBER**  
**STATE OF OKLAHOMA**

DISPOSITION

☐ FLOOR AMENDMENT

No. \_\_\_\_\_

\_\_\_\_\_

☐ COMMITTEE AMENDMENT

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 436, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

\_\_\_\_\_  
Senator Dahm

Dahm-MG-FS-Req#1650  
3/21/2017 4:50 PM

(Floor Amendments Only)    Date and Time Filed: \_\_\_\_\_

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

FLOOR SUBSTITUTE  
FOR

SENATE BILL NO. 436

By: Dahm of the Senate

and

Echols of the House

FLOOR SUBSTITUTE

[cities and towns - fire fighters and police officers  
- employment definition - effective date ].

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

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

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

1. "Fire fighters and police officers" shall mean the permanent  
paid members of any fire department or police department in any  
municipality within the State of Oklahoma but shall not include the  
chief of police and an administrative ~~assistant~~ assistants and the  
chief of the fire department and an administrative ~~assistant~~  
assistants. The administrative ~~assistant~~ assistants shall be ~~that~~  
~~person~~ those persons so designated by the chief of the police  
department and chief of the fire department. "Police officers" as

1 used herein shall be those persons as defined in Section 50-101 of  
2 this title. A municipality within the State of Oklahoma with a  
3 population under thirty-five thousand (35,000) persons according to  
4 the latest Federal Decennial Census shall permit the chief of police  
5 and chief of the fire department to designate one administrative  
6 assistant. Those municipalities with populations between thirty-  
7 five thousand (35,000) and fifty thousand (50,000) persons according  
8 to the latest Federal Decennial Census shall permit the chief of  
9 police and the chief of the fire department to each designate no  
10 more than three (3) administrative assistants. Those municipalities  
11 with populations between fifty thousand (50,000) and seventy-five  
12 thousand (75,000) persons according to the latest Federal Decennial  
13 Census shall permit the chief of police and the chief of the fire  
14 department to each designate no more than five (5) administrative  
15 assistants. Municipalities with a population of seventy-five  
16 thousand (75,000) persons or more according to the latest Federal  
17 Decennial Census shall permit the chief of police and the chief of  
18 the fire department to each designate no more than seven (7)  
19 administrative assistants. The City Manager of such municipality,  
20 or other such similar municipal official that has statutory  
21 authority to appoint or hire other municipal positions, shall have  
22 the authority to determine the number of administrative assistants,  
23 with the advice of the chief of police or the chief of the fire  
24 department, in accordance with this section of law.

1        2. "Corporate authorities" means the proper officials, singly  
2 or collectively, within any municipality whose duty or duties it is  
3 to establish the wages, salaries, rates of pay, hours, working  
4 conditions and other terms and conditions of employment of fire  
5 fighters or police officers, whether they be the mayor, city  
6 manager, town manager, town administrator, city council, town  
7 council, director of personnel, personnel board or commission, or by  
8 whatever other name the same may be designated, or any combination  
9 thereof. It is not the intent of this paragraph that the above-  
10 named officials shall in any way be exclusive or limiting.

11        3. "Strike" shall mean the concerted failure to report for  
12 duty, the willful absence from one's position, unauthorized  
13 holidays, sickness unsubstantiated by a physician's statement, the  
14 stoppage of work, or the abstinence in whole or in part from the  
15 full, faithful and proper performance of the duties of employment,  
16 for the purpose of inducing, influencing or coercing a change in the  
17 conditions, compensation, rights, privileges or obligations of  
18 employment. Nothing contained in this article shall be construed to  
19 limit, impair or affect the right of any public employee to the  
20 expression or communication of a view, grievance, complaint or  
21 opinion on any matter related to the conditions or compensation of  
22 public employment or their betterment, so long as the same does not  
23 interfere with the full, faithful and proper performance of the  
24 duties of employment.

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

6       5. "Collective bargaining" shall mean the performance of the  
7 mutual obligation of the municipal employer or his designated  
8 representatives and the representative of the employees to meet at  
9 reasonable times, including meetings appropriately related to the  
10 budget-making process; to confer in good faith with respect to  
11 wages, hours and other conditions of employment, or the negotiation  
12 of an agreement, or any question arising thereunder; and to execute  
13 a written contract incorporating any agreement reached if requested  
14 by either party. Such obligation shall not, however, compel either  
15 party to agree to a proposal or require the making of a concession.

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

19           6a. Action by corporate authorities:

- 20               (1) interfering with, restraining, intimidating or  
21               coercing employees in the exercise of the rights  
22               guaranteed them by this article;  
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- (2) dominating or interfering with the formation, existence or administration of any employee organization or bargaining agent;
- (3) interfering in any manner whatsoever with the process of selection by fire fighters or police officers of their respective bargaining agents or attempting to influence, coerce or intimidate individuals in such selection;
- (4) discharging or otherwise disciplining or discriminating against a police officer or fire fighter because he has signed or filed any affidavit, petition or complaint or has given any information or testimony under this article or because of his election to be represented by the bargaining agent;
- (5) refusing to bargain collectively or discuss grievances in good faith with the designated bargaining agent with respect to any issue coming within the purview of this article; or
- (6) instituting or attempting to institute a lockout.

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

- (1) interfering with, restraining, intimidating or coercing employees in the exercise of the rights guaranteed them by this article;

- 1 (2) interfering with or attempting to coerce the  
2 corporate authorities in the selection of their  
3 representatives for the purposes of collective  
4 bargaining or the adjustment of grievances; or  
5 (3) refusing to bargain collectively or discuss  
6 grievances in good faith with the proper  
7 corporate authorities with respect to any issue  
8 coming within the purview of this article.

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

10 SECTION 2. This act shall become effective November 1, 2017.

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12 56-1-1650 MG 3/21/2017 4:50:51 PM  
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