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February 20, 2017

AS AMENDED

SENATE BILL NO. 436

By: Dahm of the Senate

and

Echols of the House

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[ cities and towns - fire fighters and police
officers - effective date ]
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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~~ up to seven (7) administrative assistant assistants and the chief of the fire department and ~~an~~ up to seven (7) administrative assistant assistants. The administrative ~~assistant assistants~~ shall be ~~that person so~~ designated by the chief of the police department and chief of the fire department. "Police

1 officers" as used herein shall be those persons as defined in
2 Section 50-101 of this title.

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

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

1 interfere with the full, faithful and proper performance of the
2 duties of employment.

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

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

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

21 ~~6~~a. Action by corporate authorities:

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

- 1 (2) dominating or interfering with the formation,
2 existence or administration of any employee
3 organization or bargaining agent;
4 (3) interfering in any manner whatsoever with the
5 process of selection by fire fighters or police
6 officers of their respective bargaining agents or
7 attempting to influence, coerce or intimidate
8 individuals in such selection;
9 (4) discharging or otherwise disciplining or
10 discriminating against a police officer or fire
11 fighter because he has signed or filed any
12 affidavit, petition or complaint or has given any
13 information or testimony under this article or
14 because of his election to be represented by the
15 bargaining agent;
16 (5) refusing to bargain collectively or discuss
17 grievances in good faith with the designated
18 bargaining agent with respect to any issue coming
19 within the purview of this article; or
20 (6) instituting or attempting to institute a lockout.

21 ~~6b.~~ Action by bargaining agent:

- 22 (1) interfering with, restraining, intimidating or
23 coercing employees in the exercise of the rights
24 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.

11 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT
12 February 20, 2017 - DO PASS AS AMENDED
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