

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1724

By: Dahm

AS INTRODUCED

An Act relating to school employee payroll deductions; amending 70 O.S. 2011, Section 5-139, as amended by Section 1, Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2019, Section 5-139), which relates to payroll deductions for professional organizations; subjecting certain payroll deductions and political contributions to certain provisions; prohibiting certain deductions from exceeding one year without reauthorization; requiring authorization for professional organization dues and political contributions to be on certain form containing certain statement; requiring certain authorization to include certain information; requiring a school district to confirm certain authorization; directing certain authorizations agreed to before certain date to be invalid and void; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-139, as amended by Section 1, Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2019, Section 5-139), is amended to read as follows:

Section 5-139. School districts shall make payroll deductions for either or both professional organization dues and political contributions at the written request of any school employee subject

1 to the provisions of Section 2 of this act and shall transmit
2 deducted funds to the organization designated by the school district
3 employee. Such deductions shall be on a ten-month basis unless
4 otherwise designated by the employee organization but shall not
5 exceed one (1) year without reauthorization. However, a school
6 employee may request at any time in writing, including by email or
7 fax, for the school district to immediately terminate or initiate
8 payroll deductions to a professional organization. Upon receipt of
9 any written request, the school district shall within five (5)
10 business days or by the next pay period, whichever is earlier,
11 terminate or initiate any future payroll deductions of the
12 requesting school employee to a professional organization. Upon
13 receipt of a written request, the school district shall notify the
14 professional organization of the initiation or termination of
15 payroll deductions within fifteen (15) business days. If the
16 request is to terminate a deduction, the school district shall not
17 make any advance payments to any professional organization of any
18 future dues on behalf of the school employee. No school district
19 policy or negotiated agreement shall place any other conditions or
20 requirements, including but not limited to personal hand delivery,
21 upon any employee to initiate or terminate any payroll deduction to
22 a professional organization except for a written request as outlined
23 in this section. Any school district policy or provision in a
24 negotiated agreement that places additional conditions or

1 requirements on initiation or termination beyond those outlined in
2 this section shall be null and void. A school district which fails
3 to terminate payroll deductions for an employee in accordance with
4 this section shall immediately reimburse the employee the amount of
5 all payroll deductions made by the school district after the
6 employee's request, and the amount due the employee shall double
7 every thirty (30) days until paid in full.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 5-139a of Title 70, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Authorization for professional organization dues and
12 political contributions as provided for in Section 5-139 of Title 70
13 of the Oklahoma Statutes shall be on a form prescribed by the
14 Secretary of Education and contain a statement in fourteen-point
15 boldface font reading:

16 "I am aware that I have a First Amendment right, as recognized
17 by the U.S. Supreme Court, to refrain from joining and paying dues
18 or making political contributions to a professional employee
19 organization. I further realize that membership and payment of dues
20 or political contributions are voluntary and that I may not be
21 discriminated against for my refusal to join or financially support
22 a professional employee organization. I hereby waive my First
23 Amendment right to refrain from professional employee organization
24 membership and dues payments or political contributions and

1 authorize my employer to deduct dues and/or political contributions
2 from my salary in the amounts specified in accordance with my
3 professional employee organization's bylaws. I understand that I
4 may revoke this authorization at any time."

5 B. Authorization containing an employee's full name, position,
6 professional organization and signature shall be submitted to the
7 school district. The school district shall confirm the
8 authorization by emailing the employee's school district-provided
9 email address and shall wait for confirmation of the authorization
10 before starting any deduction. If the employee does not possess a
11 school district-provided email address, the school district may use
12 other means it deems appropriate to confirm the authorization.

13 C. Any authorization agreed to before June 27, 2018, or that
14 does not comply with the methods provided for in this section shall
15 be invalid and void as of the effective date of this act.

16 SECTION 3. This act shall become effective July 1, 2020.

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

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