

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB4384 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Ross Ford

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 4384

By: Ford

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 2021, Section 51-104b, which relates to the prevention of unfair labor practice; modifying Public Employees Relations Board powers; establishing process for arbitrator selection in cases of unfair labor practices; amending 11 O.S. 2011, Section 51-110, which relates to fees and expenses; modifying applicability; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 51-104b, is amended to read as follows:

Section 51-104b. A. The Public Employees Relations Board is empowered, as hereinafter provided, to prevent any person, including bargaining agent and corporate authorities, from engaging in any unfair labor practice as defined herein.

B. Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board shall have the power to ~~issue and cause to be served upon such person a complaint~~

1 ~~stating the charges in that respect, and containing a notice of~~
2 ~~hearing before the Board, at a place therein fixed, not less than~~
3 ~~five (5) days after the serving of said complaint. The person so~~
4 ~~complained of shall have the right to file an answer and to appear~~
5 ~~and give testimony at the time and place fixed in the complaint. In~~
6 ~~the discretion of the Board, any other person may be allowed to~~
7 ~~intervene in such proceeding~~ set the matter for hearing, take
8 evidence, and decide the questions presented.

9 C. If upon the preponderance of the testimony taken the Board
10 shall be of the opinion that the person named in the complaint has
11 engaged in or is engaging in any such unfair labor practice, then
12 the Board shall state its findings of fact and shall issue and cause
13 to be served on such person an order requiring such person to cease
14 and desist from such unfair labor practice. Such order may further
15 require such person to make reports from time to time showing the
16 extent to which it has complied with the order. If upon the
17 preponderance of the testimony taken the Board shall not be of the
18 opinion that the person served in the complaint has engaged in or is
19 engaging in any such unfair labor practice, then the Board shall
20 state its findings of fact and shall issue an order dismissing the
21 complaint.

22 D. The Board, or any interested party, shall have the power to
23 petition the district court, wherein the unfair labor practice in
24

1 question occurred, for the enforcement of such order and for
2 appropriate temporary relief of restraining order.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 51-107a of Title 11, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Whenever an employer or bargaining agent claims that an
7 unfair labor practice has been committed by the other, it shall
8 notify the other in writing, within six (6) months of the commission
9 of the alleged practice. Within ten (10) days of such notification
10 each party shall each select and name one arbitrator and shall
11 immediately thereafter notify each other in writing of the name and
12 address of the person so selected. The two arbitrators so selected
13 and named shall, within five (5) days from and after the expiration
14 of the ten-day period hereinabove mentioned, agree upon and select a
15 third arbitrator. If, on the expiration of the period allowed
16 therefor, the arbitrators are unable to agree upon the selection of
17 a third arbitrator, the bargaining agent and the corporate
18 authorities shall request the Federal Mediation and Conciliation
19 Service to provide a list of five arbitrators.

20 B. Within ten (10) days after receipt of the list of
21 arbitrators from the Federal Mediation and Conciliation Service, the
22 two arbitrators already selected shall alternately strike the name
23 of one arbitrator from the list of five until one name remains, with
24 the party claiming an unfair labor practice has been committed

1 making the first strike from the list. The third arbitrator,
2 whether selected as a result of an agreement between the two
3 arbitrators previously selected or selected from the list provided
4 by the Federal Mediation and Conciliation Service, shall act as
5 chairman of the Arbitration Board. The chairman of the Arbitration
6 Board shall schedule a hearing, take evidence, and render a decision
7 based thereon. Decisions of the former Public Employees Relations
8 Board and of the National Labor Relations Board may be considered
9 persuasive on the issues presented.

10 SECTION 3. AMENDATORY 11 O.S. 2021, Section 51-110, is
11 amended to read as follows:

12 Section 51-110. Fees and necessary expenses of the arbitrator
13 selected by the bargaining agent and the arbitrator selected by the
14 corporate authorities shall be borne by the bargaining agent and the
15 corporate authorities respectively. The reasonable fees and
16 necessary expenses of the third arbitrator shall be borne equally by
17 the bargaining agent and corporate authorities. This provision
18 applies for interest arbitration, grievance arbitration,
19 consideration of alleged unfair labor practices, and for
20 certification, decertification, election or determination of the
21 bargaining representative.

22 SECTION 4. This act shall become effective November 1, 2022.
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24 58-2-10626 MJ 02/17/22