

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2747

By: Ford of the House

and

Haste of the Senate

COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 2011, Section 51-103, which relates to collective bargaining; eliminating petition, hearing and election processes; directing a municipal employer to recognize a bargaining agent as the exclusive bargaining agent for the firefighters or police officers; determining bargaining agent by certain procedure; establishing election procedures; prohibiting election within certain time period; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-103, is amended to read as follows:

Section 51-103. A. Firefighters and police officers in any municipality shall have the separate right to bargain collectively with their municipality and to be represented by a bargaining agent in such collective bargaining with respect to wages, salaries,

1 hours, rates of pay, grievances, working conditions and all other
2 terms and conditions of employment.

3 ~~B. Whenever, conformable to regulations that may be prescribed~~
4 ~~by the Public Employees Relations Board, herein created, a petition~~
5 ~~is filed by:~~

6 ~~1. A labor organization alleging that thirty percent (30%) of~~
7 ~~the firefighters or police officers in a municipality:~~

8 ~~a. wish to be represented for collective bargaining by an~~
9 ~~exclusive employee representative, or~~

10 ~~b. assert that the designated exclusive employee~~
11 ~~representative is no longer the representative of the~~
12 ~~majority of employees in the unit; or~~

13 ~~2. The employer alleging that one or more labor organizations~~
14 ~~has presented to it a claim to be recognized as the exclusive~~
15 ~~employee representative in an appropriate unit;~~

16 ~~the Board shall investigate the facts alleged therein and if it has~~
17 ~~reasonable cause to believe that a question of representation~~
18 ~~exists, it shall provide for an appropriate hearing upon due notice.~~

19 ~~If the Board finds upon the record of such hearing that such a~~
20 ~~question of representation exists, it shall direct an election by~~
21 ~~secret ballot and shall certify the results thereof. The Board may~~
22 ~~also certify a labor organization as an exclusive employee~~
23 ~~representative if it determines that a free and untrammelled~~

1 ~~election cannot be conducted because of the employer's unfair labor~~
2 ~~practices.~~

3 ~~C. Only those labor organizations which have been designated by~~
4 ~~more than ten percent (10%) of the employees in the unit found to be~~
5 ~~appropriate shall be placed on the ballot. Nothing in this section~~
6 ~~shall be construed to prohibit the waiving of hearing by stipulation~~
7 ~~for the purpose of a consent election, in conformity with the rules~~
8 ~~and regulations of the Board.~~

9 ~~D. In order to assure to firefighters and police officers of~~
10 ~~any municipality the fullest freedom in exercising the rights~~
11 ~~guaranteed by this article, the Board shall decide in each case~~
12 ~~before it in which the issue is raised the unit appropriate for the~~
13 ~~purposes of collective bargaining, and shall consider such factors~~
14 ~~as community of interest, wages, hours and other working conditions~~
15 ~~of the employees involved, the history of collective bargaining, and~~
16 ~~the desires of the employees.~~

17 ~~E. An election shall not be directed in any bargaining unit or~~
18 ~~in any subdivision thereof within which, in the preceding twelve-~~
19 ~~month period, a valid election has been held. The Board shall~~
20 ~~determine who is eligible to vote in the election and shall~~
21 ~~establish rules governing the election. In any election where none~~
22 ~~of the choices on the ballot receives a majority, but a majority of~~
23 ~~all votes cast are for representation by some labor organization, a~~
24 ~~run-off election shall be conducted. A labor organization which~~

1 ~~receives the majority of the votes cast in an election shall be~~
2 ~~certified by the Board as the exclusive employee representative~~ A
3 municipal employer shall recognize a bargaining agent selected by a
4 majority of the firefighters of the fire department or police
5 officers of the police department of that municipality as the
6 exclusive bargaining agent for the firefighters or police officers
7 of that municipality until a majority of the firefighters or police
8 officers withdraw the recognition. Bargaining agents recognized by
9 municipalities and having bargained with municipalities, prior to
10 the effective date of this act, shall continue to be so recognized
11 without a new selection by the majority of the firefighters or
12 policer officers.

13 1. The bargaining agent representing the department as the
14 exclusive bargaining agent shall be determined by a majority vote of
15 the police or firefighters of the department.

16 2. A question of whether a bargaining agent is the exclusive
17 bargaining agent of the respective police or firefighters of a
18 department shall be resolved by a fair election paid for by the
19 bargaining agent or employees and conducted according to procedures
20 agreed on by the parties. Such question arises where no bargaining
21 agent is currently recognized as bargaining agent or where a
22 bargaining agent is recognized and another bargaining agent presents
23 proof they represent at least forty (40) percent of the respective
24 police or firefighters of a department.

1 Any vote or ballot authorized by the agreed procedures shall be
2 accompanied by a copy of the voter's driver license or other state-
3 authorized identification card, and any vote or ballot submitted in
4 person shall only be received by providing the same. The bargaining
5 agent seeking to represent the members of the department and the
6 municipality shall each be entitled to select one person to observe
7 the county and tabulating of ballots cast in the election.

8 3. If the parties are unable to agree on election procedures
9 under paragraph 2 of this subsection, either party may request the
10 American Arbitration Association to conduct the election and certify
11 the results. Certification of the results of an election under this
12 paragraph shall resolve the question regarding representation. Any
13 expenses of the election imposed by the American Arbitration
14 Association shall be borne in equal shares by both parties, except
15 that, if any fraudulent activity occurs in the election procedures
16 or in tabulating the votes, the offending party shall solely bear
17 the expense.

18 4. No election shall be conducted in any bargaining unit which,
19 in the preceding twelve-month period, a valid election has been
20 held.

21 SECTION 2. This act shall become effective November 1, 2021.

23 58-1-2032

MR

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