

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 58th Legislature (2021)

4   COMMITTEE SUBSTITUTE  
5   FOR  
6   HOUSE BILL NO. 2747

By: Ford of the House

and

**Haste** of the Senate

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to cities and towns; amending 11 O.S.  
12           2011, Section 51-103, which relates to collective  
13           bargaining; eliminating creation of Public Employees  
14           Relations Board; eliminating petition, hearing and  
15           election processes; directing a municipal employer to  
16           recognize association as the exclusive bargaining  
17           agent for the firefighters or police officers;  
18           determining association by a majority vote;  
19           establishing election procedures; and providing an  
20           effective date.

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

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

24           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

1 in such collective bargaining with respect to wages, salaries,  
2 hours, rates of pay, grievances, working conditions and all other  
3 terms and conditions of employment.

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

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

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

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

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

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

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

9 1. The association representing the department as the  
10 exclusive bargaining agent shall be determined by a majority vote of  
11 the police or firefighters of the department.

12 2. A question of whether an association is the exclusive  
13 bargaining agent of the respective police or firefighters of a  
14 department shall be resolved by a fair election conducted according  
15 to procedures agreed on by the parties. The bargaining agent  
16 seeking to represent the members of the department and the  
17 municipality shall each be entitled to select one person to observe  
18 the counting and tabulating of ballots cast in the election.

19 3. If the parties are unable to agree on election procedures  
20 under paragraph 2 of this subsection, either party may request the  
21 American Arbitration Association to conduct the election and certify  
22 the results. Certification of the results of an election under this  
23 paragraph shall resolve the question regarding representation. Any  
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1 expenses of the election imposed by the American Arbitration  
2 Association shall be borne in equal shares by both parties.

3 SECTION 2. This act shall become effective November 1, 2021.  
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5 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/01/2021 - DO PASS,  
6 As Amended and Coauthored.  
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