

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

SENATE BILL 634

By: Daniels

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. 2020, 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; prohibiting accrual of certain debt after certain request to terminate is provided; 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; providing for expiration of certain authorization if certain action is not taken in certain school year; 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. 2020, 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

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

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

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

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

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

1 employer to deduct dues and/or political contributions from my
2 salary in the amounts specified in accordance with my professional
3 employee organization's bylaws. I understand that I may revoke this
4 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. An authorization shall expire at the start of the first full
14 pay period each school year unless it was authorized or reauthorized
15 during the previous school year.

16 SECTION 3. This act shall become effective July 1, 2021.

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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