

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1404

By: Daniels

AS INTRODUCED

An Act relating to school employee organizations; prohibiting certain existing organizations from continuing to represent certain employees; requiring a school district board of education to direct certain election to certify the existing organization; directing the board of education to determine how the election shall be conducted; authorizing the board of education to establish a fee schedule to fund the election; providing for decertification of an organization if it fails to receive a sufficient number of votes; providing for continuation of certain terms of certain contract if an organization is decertified; allowing school district employees to certify a new employee organization under certain circumstances; requiring elections to be held during certain time frame; providing for application of provisions; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 509.12 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. No existing employee organization established pursuant to the provisions of Section 509.2 of Title 70 of the Oklahoma Statutes shall continue to represent employees as defined in Section 509.2 or

1 Section 1-116 of Title 70 of the Oklahoma Statutes after December
2 31, 2023, except as provided for in this section.

3 B. 1. A school district board of education shall hold a secret
4 ballot election for all employees in any bargaining unit represented
5 by an existing employee organization to determine whether the
6 organization retains support of a majority of all employees in the
7 bargaining unit.

8 2. The school district board of education shall determine
9 whether elections shall be conducted in person, by mail, by
10 telephone, by Internet-based systems, or by any other means
11 determined by the board of education to be fair, confidential, and
12 reliable. The board of education shall allow employees in the
13 bargaining unit to cast ballots for a period of five (5) business
14 days.

15 3. The school district board of education may establish a fee
16 schedule, consistent with the provisions of Section 509.2 of Title
17 70 of the Oklahoma Statutes, for employee organizations subject to
18 elections conducted pursuant to the provisions of this section for
19 the purpose of funding the election.

20 C. If a majority of all employees in the bargaining unit vote
21 in favor of retaining the existing employee organization, the
22 organization shall remain the representative of employees in the
23 bargaining unit pursuant to the provisions of Section 509.2 of Title
24 70 of the Oklahoma Statutes. If a majority of all employees in the
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1 bargaining unit do not vote in favor of retaining the existing
2 employee organization, the school district board of education shall
3 no longer recognize the organization as the representative of
4 employees in the unit and the employees shall be unrepresented.

5 D. Subject to the provisions of subsection G of this section,
6 when an existing employee organization is no longer recognized, the
7 terms of any pre-existing contract between the employee organization
8 and the school district employees represented by the organization
9 shall continue and remain in effect for the remaining contract term,
10 except for any provisions involving in any manner the employee
11 organization including but not limited to organization security,
12 dues and fees, grievances, and arbitration.

13 E. A school district board of education may recognize a new
14 employee organization in accordance with the provisions of Section
15 509.2 of Title 70 of the Oklahoma Statutes, but the new employee
16 organization may not be substantially similar to or affiliated with
17 an employee organization that has lost recognition pursuant to the
18 provisions of subsection C of this section for twelve (12) months
19 from the date of the loss of recognition.

20 F. The school district board of education shall hold an
21 election to certify majority support of existing employee
22 organizations no earlier than August 1, 2023, and no later than
23 December 1, 2023, and every odd-numbered year thereafter. Elections
24 shall occur no earlier than August 1 and no later than December 1.

1 G. The provisions of this section shall apply to any new
2 collective bargaining agreement or contract entered into or any
3 existing collective bargaining agreement or contract that is
4 modified, extended, affected by a new or changed memorandum of
5 understanding, amendment, or is otherwise changed or altered in any
6 way after the effective date of this act. The provisions of this
7 section shall not affect any collective bargaining agreement
8 currently in effect, the terms of which shall remain valid until the
9 adoption of a new collective bargaining agreement or a modification,
10 extension, or alteration of an existing bargaining agreement occurs.

11 SECTION 2. This act shall become effective July 1, 2022.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health, or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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