

1 ENGROSSED HOUSE
2 BILL NO. 2134

By: George and Luttrell of the
House

3 and

4 Green of the Senate
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7 An Act relating to cities and towns; amending 11 O.S.
8 2021, Section 51-104b, which relates to the
9 prevention of unfair labor practice; modifying Public
10 Employees Relations Board powers; establishing
11 process for arbitrator selection in cases of unfair
labor practices; amending 11 O.S. 2021, Section 51-
110, which relates to fees and expenses; modifying
applicability; providing for codification; and
providing an effective date.

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

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

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

21 B. Whenever it is charged that any person has engaged in or is
22 engaging in any such unfair labor practice, the Board shall have the
23 power to ~~issue and cause to be served upon such person a complaint~~
24 ~~stating the charges in that respect, and containing a notice of~~

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

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

21 D. The Board, or any interested party, shall have the power to
22 petition the district court, wherein the unfair labor practice in
23 question occurred, for the enforcement of such order and for
24 appropriate temporary relief of restraining order.

1 SECTION 2. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 51-107a of Title 11, unless
3 there is created a duplication in numbering, reads as follows:

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

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

1 arbitrators previously selected or selected from the list provided
2 by the Federal Mediation and Conciliation Service, shall act as
3 chairperson of the Arbitration Board. The chairperson of the
4 Arbitration Board shall schedule a hearing, take evidence, and
5 render a decision based thereon. Decisions of the former Public
6 Employees Relations Board and of the National Labor Relations Board
7 may be considered persuasive on the issues presented.

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

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

19 SECTION 4. This act shall become effective November 1, 2023.
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1 Passed the House of Representatives the 8th day of March, 2023.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2023.

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9 Presiding Officer of the Senate