

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4   HOUSE BILL 2134

                              By: George

7                               AS INTRODUCED

8           An Act relating to cities and towns; amending 11 O.S.  
9           2021, Section 51-104b, which relates to the  
10          prevention of unfair labor practice; modifying Public  
11          Employees Relations Board powers; establishing  
12          process for arbitrator selection in cases of unfair  
            labor practices; amending 11 O.S. 2011, Section 51-  
            110, which relates to fees and expenses; modifying  
            applicability; providing for codification; and  
            providing an effective date.

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

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

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

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

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

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

22 D. The Board, or any interested party, shall have the power to  
23 petition the district court, wherein the unfair labor practice in  
24

1 question occurred, for the enforcement of such order and for  
2 appropriate temporary relief of restraining order.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 51-107a of Title 11, unless  
5 there is created a duplication in numbering, reads as follows:

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

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

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

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

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

21 SECTION 4. This act shall become effective November 1, 2023.  
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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated  
24 02/16/2023 - DO PASS.