

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1802

By: Dahm

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6 AS INTRODUCED

7 An Act relating to public employees; amending 11 O.S.  
8 2021, Section 51-101, which relates to fire and  
9 police arbitration; removing certain rights and  
10 protections; defining term; prohibiting officials  
11 from entering into certain contracts; declaring  
12 certain contracts void; prohibiting the recognition  
13 of certain organizations; stating punishment for  
14 entering into certain contracts; amending 70 O.S.  
15 2021, Section 5-113.1, which relates to relation by  
16 consanguinity or affinity with school board members  
17 in employment or contracts; limiting certain voting  
18 power of board members; repealing 11 O.S. 2021,  
19 Sections 51-105 and 51-112, which relate to  
20 collective bargaining by municipal police and fire  
21 departments; repealing 19 O.S. 2021, Sections 901.30-  
22 2, 901.30-3, and 901.30-8, which relate to collective  
23 bargaining within fire protection districts;  
24 repealing 70 O.S. 2021, Sections 3-129.8 and 18-  
114.8, which relate to collective bargaining by  
teachers; providing for codification; and declaring  
an emergency.

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

21 SECTION 1. AMENDATORY 11 O.S. 2021, Section 51-101, is  
22 amended to read as follows:

23 Section 51-101. A. The protection of the public health, safety  
24 and welfare demands that the permanent members of any paid fire  
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1 department or police department in any municipality not be accorded  
2 the right to strike or engage in any work stoppage or slowdown.  
3 This necessary prohibition does not, however, require the denial to  
4 such employees of other well-recognized rights of labor such as the  
5 right to organize, ~~to be represented by a collective bargaining~~  
6 ~~representative of their choice and the right to bargain collectively~~  
7 ~~concerning wages, hours and other terms and conditions of~~  
8 ~~employment~~; and such employees shall also have the right to refrain  
9 from any and all such activities.

10 B. It is declared to be the public policy of this state to  
11 accord to the permanent members of any paid fire department or  
12 police department in any municipality all of the rights of labor,  
13 other than the right to strike or to engage in any work stoppage or  
14 slowdown, the right to be represented by a collective bargaining  
15 representative of their choice, and the right to bargain  
16 collectively concerning wages, hours, and other terms and conditions  
17 of employment. Nothing in this article shall constitute a grant of  
18 the right to strike to fire fighters or police officers of any  
19 municipality and such strikes are hereby prohibited.

20 Notwithstanding the provisions of any other law, any person holding  
21 such a position who, by concerted action with others and without the  
22 lawful approval of his superior, willfully absents himself from his  
23 position or abstains in whole or in part from the full, faithful and  
24 proper performance of his duties for the purpose of inducing,

1 influencing or coercing a change in the conditions or compensation,  
2 or the rights, privileges or obligations of employment shall be  
3 deemed to be on strike but the person, upon request, shall be  
4 entitled to a determination as to whether he did violate the  
5 provisions of this article. The request shall be filed in writing  
6 with the officer or body having the power to remove or discipline  
7 such employee within ten (10) days after regular compensation of  
8 such employee has ceased or other discipline has been imposed. In  
9 the event of such request, the officer or body shall within ten (10)  
10 days after the receipt of such request commence a proceeding for the  
11 determination of whether the provisions of this article have been  
12 violated by the public employee, in accordance with the law and  
13 regulations appropriate to a proceeding to remove the public  
14 employee. The proceedings shall be undertaken without unnecessary  
15 delay. The decision of the proceeding shall be made within ten (10)  
16 days following the conclusion of said hearing. If the employee  
17 involved is held to have violated this article and his employment  
18 terminated or other discipline imposed, he shall have the right of  
19 review to the district court having jurisdiction of the parties,  
20 within thirty (30) days from such decision, for determination  
21 whether such decision is supported by competent, material and  
22 substantial evidence on the whole record. To provide for the  
23 exercise of these rights, a method of arbitration of disputes is  
24 hereby established.

1 C. ~~It is declared to be the public policy of the State of~~  
2 ~~Oklahoma that no person shall be discharged from or denied~~  
3 ~~employment as a member of any paid fire department or police~~  
4 ~~department in any municipality of this state by reason of membership~~  
5 ~~or nonmembership in, or the payment or nonpayment of any dues, fees~~  
6 ~~or other charges to, an organization of such members for collective~~  
7 ~~bargaining purposes as herein contemplated.~~

8 ~~D.~~ The establishment of this method of arbitration shall not,  
9 however, in any way whatever, be deemed to be a recognition by the  
10 state of compulsory arbitration as a superior method of settling  
11 labor disputes between employees who possess the right to strike and  
12 their employers, but rather shall be deemed to be a recognition  
13 solely of the necessity to provide some alternative procedure for  
14 settling disputes where employees must, as a matter of public  
15 policy, be denied the usual right to strike.

16 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-113.1, is  
17 amended to read as follows:

18 Section 5-113.1. A. Except as otherwise provided in this  
19 section, no person may be employed or put under contract by a school  
20 district if that person is related to a member of the board of  
21 education of that school district within the second degree of  
22 consanguinity or affinity. A teacher or employee already under  
23 contract to or otherwise employed by the school district at the time  
24 the relationship is established may continue in said employment.

1 Except as otherwise provided, a board member already serving at the  
2 time the relationship is established may serve out the term for  
3 which the member was elected but shall not be eligible to be a  
4 candidate for or serve successive terms of office for which the  
5 member may be elected.

6 B. The provisions of this section shall not prevent a board  
7 member from serving successive terms of office if otherwise eligible  
8 under the provision of Section 5-113 of this title. No member of  
9 the board of education who has resigned from the board before the  
10 term of the person has expired may be reappointed to the board to  
11 complete the remainder of the term if a teacher or employee related  
12 to the resigned member of the board within the second degree of  
13 consanguinity or affinity was put under contract or otherwise  
14 employed by the school district after the board member resigned.

15 C. The provisions of this section shall not prevent a person  
16 who is related to a member of the board of education within the  
17 second degree of consanguinity or affinity from being employed by  
18 the school district as a substitute teacher pursuant to the  
19 provisions of Section 6-105 of this title or as a temporary  
20 substitute support employee if the school district has an Average  
21 Daily Membership (ADM) of less than five thousand (5,000).

22 D. The provisions of this section shall not prevent a person  
23 who is related to a member of the board of education within the  
24 second degree of consanguinity or affinity from being employed by

1 the school district if the school district has an Average Daily  
2 Membership (ADM) of less than four hundred (400) and the board of  
3 education has adopted a policy providing for such employment.

4 E. Any member of a board of education who is related to a  
5 teacher or other employee of the district within the second degree  
6 of consanguinity or affinity shall not attend or participate in any  
7 regular or executive session of the board held to consider any  
8 personnel matter or litigation relating to said teacher or employee.  
9 The member may vote on ~~collective bargaining agreements~~ or the  
10 renewal of contracts as a group if the vote is necessary to form a  
11 quorum of the board of education members. If more than one member  
12 of the board of education is related to a teacher or employee, only  
13 the minimum number of those members which is necessary to form a  
14 quorum shall be allowed to vote. Each board of education so  
15 affected shall adopt a written policy establishing procedures on  
16 when such a member may vote on the renewal of contracts ~~or~~  
17 ~~collective bargaining agreements~~.

18 F. Any member of a board of education who violates the  
19 provisions of this section shall be subject to the penalties  
20 prescribed by Sections 485 and 486 of Title 21 of the Oklahoma  
21 Statutes.

22 SECTION 3. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 840-2.20E of Title 74, unless  
24 there is created a duplication in numbering, reads as follows:

1 A. As used in this section, "labor organization" means any  
2 organization in which employees participate and that exists in whole  
3 or in part to deal with one or more employers concerning grievances,  
4 labor disputes, wages, hours of employment, or working conditions.

5 B. An official of this state or of a political subdivision of  
6 this state may not enter into a collective bargaining contract with  
7 a labor organization regarding wages, hours, or conditions of  
8 employment of public employees.

9 C. A contract entered into in violation of subsection B of this  
10 section is void.

11 D. An official of this state or of a political subdivision of  
12 this state may not recognize a labor organization as the bargaining  
13 agent for a group of public employees.

14 E. Any official of this state or of a political subdivision of  
15 this state who violates the provisions of this act shall be guilty  
16 of a misdemeanor and subject to removal from office.

17 SECTION 4. REPEALER 11 O.S. 2021, Section 51-105, is  
18 hereby repealed.

19 SECTION 5. REPEALER 11 O.S. 2021, Section 51-112, is  
20 hereby repealed.

21 SECTION 6. REPEALER 19 O.S. 2021, Section 901.30-2, is  
22 hereby repealed.

23 SECTION 7. REPEALER 19 O.S. 2021, Section 901.30-3, is  
24 hereby repealed.

1 SECTION 8. REPEALER 19 O.S. 2021, Section 901.30-8, is  
2 hereby repealed.

3 SECTION 9. REPEALER 70 O.S. 2021, Section 3-129.8, is  
4 hereby repealed.

5 SECTION 10. REPEALER 70 O.S. 2021, Section 18-114.8, is  
6 hereby repealed.

7 SECTION 11. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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