

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1767

By: Russ

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to school employee organizations;  
10 prohibiting specified existing organizations from  
11 continuing to represent employees; requiring a school  
12 district board of education to hold secret ballot  
13 election; directing the board of education to  
14 determine how the election shall be conducted;  
15 authorizing the board of education to establish a fee  
16 schedule to fund the election; eliminating  
17 recognition of organization if it fails to receive a  
18 majority of votes; providing for continuation of  
19 contract terms if an organization is eliminated;  
20 providing exception; allowing board of education to  
21 recognize a new employee organization under certain  
22 circumstances; providing requirements for elections  
23 to certify majority support; providing for  
24 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:

1 A. No existing employee organization established pursuant to  
2 the provisions of Section 509.2 of Title 70 of the Oklahoma Statutes  
3 shall continue to represent employees as defined in Section 509.2 or  
4 1-116 of Title 70 of the Oklahoma Statutes after December 31, 2018,  
5 except as provided for in this section.

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

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

18 3. The school district board of education may establish a fee  
19 schedule, consistent with the provisions of Section 509.2 of Title  
20 70 of the Oklahoma Statutes, for employee organizations subject to  
21 elections conducted pursuant to the provisions of this section for  
22 the purpose of funding the election.

23 C. If a majority of all employees in the bargaining unit vote  
24 in favor of retaining the existing employee organization, the

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

8 D. When an existing employee organization is no longer  
9 recognized, the terms of any preexisting contract between the  
10 employee organization and the school district employees represented  
11 by the organization shall continue and remain in effect for the  
12 remaining contract term, except for any provisions involving in any  
13 manner the employee organization including, but not limited to,  
14 organization security, dues and fees, grievances and arbitration.

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

22 F. The school district board of education shall hold an  
23 election to certify majority support of existing employee  
24 organizations no earlier than August 1, 2018, and no later than

1 December 1, 2018, and at least once every five (5) years thereafter.  
2 Elections shall occur no earlier than August 1 and no later than  
3 December 1.

4 SECTION 2. This act shall become effective July 1, 2017.

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

9  
10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT OVERSIGHT AND  
11 ACCOUNTABILITY, dated 03/02/2017 - DO PASS, As Amended.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24