

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 4156

By: Goodwin

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6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2021, Section 51-101, which relates to fire and
9 police arbitration; prohibiting certain acts in
10 collective bargaining agreements with police
11 departments; requiring collective bargaining
12 agreements to provide for community component; and
13 providing an effective date.

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

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

17 Section 51-101. A. The protection of the public health, safety
18 and welfare demands that the permanent members of any paid fire
19 department or police department in any municipality not be accorded
20 the right to strike or engage in any work stoppage or slowdown.

21 This necessary prohibition does not, however, require the denial to
22 such employees of other well-recognized rights of labor such as the
23 right to organize, to be represented by a collective bargaining
24 representative of their choice and the right to bargain collectively
concerning wages, hours and other terms and conditions of

1 employment; and such employees shall also have the right to refrain
2 from any and all such activities.

3 B. It is declared to be the public policy of this state to
4 accord to the permanent members of any paid fire department or
5 police department in any municipality all of the rights of labor,
6 other than the right to strike or to engage in any work stoppage or
7 slowdown. Nothing in this article shall constitute a grant of the
8 right to strike to ~~fire fighters~~ firefighters or police officers of
9 any municipality and such strikes are hereby prohibited.

10 Notwithstanding the provisions of any other law, any person holding
11 such a position who, by concerted action with others and without the
12 lawful approval of his or her superior, willfully absents himself or
13 herself from his or her position or abstains in whole or in part
14 from the full, faithful and proper performance of his or her duties
15 for the purpose of inducing, influencing or coercing a change in the
16 conditions or compensation, or the rights, privileges or obligations
17 of employment shall be deemed to be on strike but the person, upon
18 request, shall be entitled to a determination as to whether he or
19 she did violate the provisions of this article. The request shall
20 be filed in writing with the officer or body having the power to
21 remove or discipline such employee within ten (10) days after
22 regular compensation of such employee has ceased or other discipline
23 has been imposed. In the event of such request, the officer or body
24 shall within ten (10) days after the receipt of such request

1 commence a proceeding for the determination of whether the
2 provisions of this article have been violated by the public
3 employee, in accordance with the law and regulations appropriate to
4 a proceeding to remove the public employee. The proceedings shall
5 be undertaken without unnecessary delay. The decision of the
6 proceeding shall be made within ten (10) days following the
7 conclusion of said hearing. If the employee involved is held to
8 have violated this article and his or her employment terminated or
9 other discipline imposed, he or she shall have the right of review
10 to the district court having jurisdiction of the parties, within
11 thirty (30) days from such decision, for determination whether such
12 decision is supported by competent, material and substantial
13 evidence on the whole record. To provide for the exercise of these
14 rights, a method of arbitration of disputes is hereby established.

15 C. It is declared to be the public policy of the State of
16 Oklahoma that no person shall be discharged from or denied
17 employment as a member of any paid fire department or police
18 department in any municipality of this state by reason of membership
19 or nonmembership in, or the payment or nonpayment of any dues, fees
20 or other charges to, an organization of such members for collective
21 bargaining purposes as herein contemplated.

22 D. The establishment of this method of arbitration shall not,
23 however, in any way whatever, be deemed to be a recognition by the
24 state of compulsory arbitration as a superior method of settling

1 labor disputes between employees who possess the right to strike and
2 their employers, but rather shall be deemed to be a recognition
3 solely of the necessity to provide some alternative procedure for
4 settling disputes where employees must, as a matter of public
5 policy, be denied the usual right to strike.

6 E. A collective bargaining agreement with a police department
7 shall not:

- 8 1. Negotiate matters of police officer discipline;
- 9 2. Block accountability for actions taken by police officers;
- 10 3. Provide for the rehiring of police officers terminated for
11 misconduct; and
- 12 4. Provide for negotiations without community representation.

13 F. Any collective bargaining agreement with a police department
14 shall provide for a community component, which shall consist of
15 individuals:

- 16 1. Commensurate in number to other negotiating parties in the
17 agreement; and
- 18 2. Representative of those who have been adversely and
19 disproportionately impacted by police encounters.

20 SECTION 2. This act shall become effective November 1, 2022.

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