

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 107

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2011, Section 51-101, which relates to arbitration;
9 providing for certain right to appeal; providing an
10 effective date; and declaring an emergency.

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

12 SECTION 1. AMENDATORY 11 O.S. 2011, Section 51-101, is
13 amended to read as follows:

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

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

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

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

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

21 D. The establishment of this method of arbitration shall not,
22 however, in any way whatever, be deemed to be a recognition by the
23 state of compulsory arbitration as a superior method of settling
24 labor disputes between employees who possess the right to strike and

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

5 E. It is declared to be the public policy of the State of
6 Oklahoma that in arbitration cases where the municipality seeks the
7 termination of the employee, either side shall have the right to
8 appeal to the district court for a trial de novo.

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

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

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