

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1380

By: Daniels

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6 AS INTRODUCED

7 An Act relating to school employee payroll  
8 deductions; amending 70 O.S. 2021, Section 5-139,  
9 which relates to payroll deductions for professional  
10 organizations; subjecting certain payroll deductions  
11 and political contributions to certain provisions;  
12 prohibiting certain deductions from exceeding one  
13 year without reauthorization; prohibiting accrual of  
14 certain debt after certain request to terminate is  
15 provided; creating the Teacher Paycheck Protection  
16 Act; providing short title; requiring authorization  
17 for professional organization dues and political  
18 contributions to be on certain form containing  
19 certain statement; requiring certain authorization to  
20 include certain information; requiring a school  
21 district to confirm certain authorization; providing  
22 for expiration of certain authorization if certain  
23 action is not taken in certain school year; providing  
24 for application of provisions; providing for  
25 codification; and declaring an emergency.

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

20 SECTION 1. AMENDATORY 70 O.S. 2021, Section 5-139, is  
21 amended to read as follows:

22 Section 5-139. School districts shall make payroll deductions  
23 for either or both professional organization dues and political  
24 contributions at the written request of any school employee subject

1 to the provisions of Section 2 of this act and shall transmit  
2 deducted funds to the organization designated by the school district  
3 employee. Such deductions shall be on a ten-month basis unless  
4 otherwise designated by the employee organization but shall not  
5 exceed one (1) year without reauthorization. However, a school  
6 employee may request at any time in writing, including by email or  
7 fax, for the school district to immediately terminate or initiate  
8 payroll deductions to a professional organization. Upon receipt of  
9 any written request, the school district shall within five (5)  
10 business days or by the next pay period, whichever is earlier,  
11 terminate or initiate any future payroll deductions of the  
12 requesting school employee to a professional organization. Upon  
13 receipt of a written request, the school district shall notify the  
14 professional organization of the initiation or termination of  
15 payroll deductions within fifteen (15) business days. If the  
16 request is to terminate a deduction, the school district shall not  
17 make any advance payments to any professional organization of any  
18 future dues on behalf of the school employee, and no further debt  
19 from the school employee to the professional organization shall  
20 accrue. No school district policy or negotiated agreement shall  
21 place any other conditions or requirements, including but not  
22 limited to personal hand delivery, upon any employee to initiate or  
23 terminate any payroll deduction to a professional organization  
24 except for a written request as outlined in this section or as

1 provided for in Section 2 of this act. Any school district policy  
2 or provision in a negotiated agreement that places additional  
3 conditions or requirements on initiation or termination beyond those  
4 outlined in this section or as provided for in Section 2 of this act  
5 shall be null and void. A school district which fails to terminate  
6 payroll deductions for an employee in accordance with this section  
7 shall immediately reimburse the employee the amount of all payroll  
8 deductions made by the school district after the employee's request,  
9 and the amount due the employee shall double every thirty (30) days  
10 until paid in full.

11 SECTION 2. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 5-139a of Title 70, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. This section shall be known and may be cited as the "Teacher  
15 Paycheck Protection Act".

16 B. Authorization for professional organization dues and  
17 political contributions as provided for in Section 5-139 of Title 70  
18 of the Oklahoma Statutes shall be on a form prescribed by the  
19 Secretary of Education and contain a statement in fourteen-point  
20 boldface font reading:

21 "The State of Oklahoma wishes to make you aware that you have a  
22 First Amendment right, as recognized by the U.S. Supreme Court, to  
23 refrain from joining and paying dues or making political  
24 contributions to a professional employee organization. Membership

1 and payment of dues or political contributions are voluntary and you  
2 may not be discriminated against for your refusal to join or  
3 financially support a professional employee organization or your  
4 decision to join and pay such an organization. By signing this  
5 form, you are authorizing your employer to deduct dues and/or  
6 political contributions from your salary in the amounts specified in  
7 accordance with your professional employee organization's bylaws.  
8 You may revoke this authorization at any time."

9 C. Authorization containing an employee's full name, position,  
10 professional organization, and signature shall be submitted to the  
11 school district. The school district shall confirm the  
12 authorization by emailing the employee's school district-provided  
13 email address and shall wait for confirmation of the authorization  
14 before starting any deduction. If the employee does not possess a  
15 school district-provided email address, the school district may use  
16 other means it deems appropriate to confirm the authorization.

17 D. An authorization shall expire at the start of the first full  
18 pay period each school year unless it was authorized or reauthorized  
19 during the previous school year.

20 E. The provisions of this section shall apply to any new  
21 collective bargaining agreement or contract entered into or any  
22 existing collective bargaining agreement or contract that is  
23 modified, extended, affected by a new or changed memorandum of  
24 understanding, amendment, or is otherwise changed or altered in any

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way after the effective date of this act. The provisions of this section shall not affect any collective bargaining agreement currently in effect, the terms of which shall remain valid until the adoption of a new collective bargaining agreement or a modification, extension, or alteration of an existing bargaining agreement occurs.

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

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