

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 795

By: Smalley

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2011, Section 51-102, which relates to fire fighters
9 and police officers; modifying certain employment
10 definition; authorizing municipalities to permit
11 chiefs of police and fire departments to designate
12 certain number of administrative assistants; 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. 2011, Section 51-102, is
16 amended to read as follows:

17 Section 51-102. As used in this article, unless the context
18 requires a different interpretation:

19 1. "Fire fighters and police officers" shall mean the permanent
20 paid members of any fire department or police department in any
21 municipality within the State of Oklahoma but shall not include the
22 chief of police and ~~an~~ administrative ~~assistant~~ assistants and the
23 chief of the fire department and ~~an~~ administrative ~~assistant~~
24 assistants. The administrative ~~assistant~~ assistants shall be ~~that~~
25 ~~person~~ those persons so designated by the chief of the police

1 department and chief of the fire department. "Police officers" as
2 used herein shall be those persons as defined in Section 50-101 of
3 this title. A municipality within the State of Oklahoma shall
4 permit the chief of police and chief of the fire department to
5 designate one administrative assistant. Those municipalities with a
6 population of ninety thousand (90,000) or more persons according to
7 the latest Federal Decennial Census shall permit the chief of police
8 and the chief of the fire department to each designate no more than
9 seven administrative assistants. The City Manager of such
10 municipality, or other such similar municipal official that has
11 statutory authority to appoint or hire other municipal positions,
12 shall have the authority to determine the number of administrative
13 assistants, with the advice of the chief of police or the chief of
14 the fire department.

15 2. "Corporate authorities" means the proper officials, singly
16 or collectively, within any municipality whose duty or duties it is
17 to establish the wages, salaries, rates of pay, hours, working
18 conditions and other terms and conditions of employment of fire
19 fighters or police officers, whether they be the mayor, city
20 manager, town manager, town administrator, city council, town
21 council, director of personnel, personnel board or commission, or by
22 whatever other name the same may be designated, or any combination
23 thereof. It is not the intent of this paragraph that the above-
24 named officials shall in any way be exclusive or limiting.

1 3. "Strike" shall mean the concerted failure to report for
2 duty, the willful absence from one's position, unauthorized
3 holidays, sickness unsubstantiated by a physician's statement, the
4 stoppage of work, or the abstinence in whole or in part from the
5 full, faithful and proper performance of the duties of employment,
6 for the purpose of inducing, influencing or coercing a change in the
7 conditions, compensation, rights, privileges or obligations of
8 employment. Nothing contained in this article shall be construed to
9 limit, impair or affect the right of any public employee to the
10 expression or communication of a view, grievance, complaint or
11 opinion on any matter related to the conditions or compensation of
12 public employment or their betterment, so long as the same does not
13 interfere with the full, faithful and proper performance of the
14 duties of employment.

15 4. "Bargaining agent" shall mean any lawful association,
16 fraternal organization, labor organization, federation or council
17 having as one of its purposes the improvement of wages, hours and
18 other conditions of employment among employees of fire and police
19 departments.

20 5. "Collective bargaining" shall mean the performance of the
21 mutual obligation of the municipal employer or his designated
22 representatives and the representative of the employees to meet at
23 reasonable times, including meetings appropriately related to the
24 budget-making process; to confer in good faith with respect to
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1 wages, hours and other conditions of employment, or the negotiation
2 of an agreement, or any question arising thereunder; and to execute
3 a written contract incorporating any agreement reached if requested
4 by either party. Such obligation shall not, however, compel either
5 party to agree to a proposal or require the making of a concession.

6 6. "Unfair labor practices" for the purpose of this article
7 shall be deemed to include but not be limited to the following acts
8 and conduct:

9 ~~6a.~~ a. Action by corporate authorities:

- 10 (1) interfering with, restraining, intimidating or
11 coercing employees in the exercise of the rights
12 guaranteed them by this article;
- 13 (2) dominating or interfering with the formation,
14 existence or administration of any employee
15 organization or bargaining agent;
- 16 (3) interfering in any manner whatsoever with the
17 process of selection by fire fighters or police
18 officers of their respective bargaining agents or
19 attempting to influence, coerce or intimidate
20 individuals in such selection;
- 21 (4) discharging or otherwise disciplining or
22 discriminating against a police officer or fire
23 fighter because he has signed or filed any
24 affidavit, petition or complaint or has given any

1 information or testimony under this article or
2 because of his election to be represented by the
3 bargaining agent;

- 4 (5) refusing to bargain collectively or discuss
5 grievances in good faith with the designated
6 bargaining agent with respect to any issue coming
7 within the purview of this article; or
8 (6) instituting or attempting to institute a lockout.

9 ~~6b.~~ b. Action by bargaining agent:

- 10 (1) interfering with, restraining, intimidating or
11 coercing employees in the exercise of the rights
12 guaranteed them by this article;
13 (2) interfering with or attempting to coerce the
14 corporate authorities in the selection of their
15 representatives for the purposes of collective
16 bargaining or the adjustment of grievances; or
17 (3) refusing to bargain collectively or discuss
18 grievances in good faith with the proper
19 corporate authorities with respect to any issue
20 coming within the purview of this article.

21 7. "Board" shall mean the Public Employees Relations Board.

22 SECTION 2. This act shall become effective November 1, 2019.

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