

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 634

By: Daniels and Bergstrom of
the Senate

and

O'Donnell of the House

COMMITTEE SUBSTITUTE

An Act relating to school employee payroll deductions; amending 70 O.S. 2011, Section 5-139, as amended by Section 1, Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2020, Section 5-139), which relates to payroll deductions for professional organizations; subjecting certain payroll deductions and political contributions to certain provisions; prohibiting certain deductions from exceeding one year without reauthorization; prohibiting accrual of certain debt after certain request to terminate is provided; requiring authorization for professional organization dues and political contributions to be on certain form containing certain statement; requiring certain authorization to include certain information; requiring a school district to confirm certain authorization; providing for expiration of certain authorization if certain action is not taken in certain school year; providing for codification; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 5-139, as
2 amended by Section 1, Chapter 193, O.S.L. 2018 (70 O.S. Supp. 2020,
3 Section 5-139), is amended to read as follows:

4 Section 5-139. School districts shall make payroll deductions
5 for either or both professional organization dues and political
6 contributions at the written request of any school employee subject
7 to the provisions of Section 2 of this act and shall transmit
8 deducted funds to the organization designated by the school district
9 employee. Such deductions shall be on a ten-month basis unless
10 otherwise designated by the employee organization but shall not
11 exceed one (1) year without reauthorization. However, a school
12 employee may request at any time in writing⁷ including by email or
13 fax, for the school district to immediately terminate or initiate
14 payroll deductions to a professional organization. Upon receipt of
15 any written request, the school district shall within five (5)
16 business days or by the next pay period, whichever is earlier,
17 terminate or initiate any future payroll deductions of the
18 requesting school employee to a professional organization. Upon
19 receipt of a written request, the school district shall notify the
20 professional organization of the initiation or termination of
21 payroll deductions within fifteen (15) business days. If the
22 request is to terminate a deduction, the school district shall not
23 make any advance payments to any professional organization of any
24 future dues on behalf of the school employee, and no further debt

1 from the school employee to the professional organization shall
2 accrue. No school district policy or negotiated agreement shall
3 place any other conditions or requirements, including but not
4 limited to personal hand delivery, upon any employee to initiate or
5 terminate any payroll deduction to a professional organization
6 except for a written request as outlined in this section. Any
7 school district policy or provision in a negotiated agreement that
8 places additional conditions or requirements on initiation or
9 termination beyond those outlined in this section shall be null and
10 void. A school district which fails to terminate payroll deductions
11 for an employee in accordance with this section shall immediately
12 reimburse the employee the amount of all payroll deductions made by
13 the school district after the employee's request, and the amount due
14 the employee shall double every thirty (30) days until paid in full.

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

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

23 "I am aware that I have a First Amendment right, as recognized
24 by the U.S. Supreme Court, to refrain from joining and paying dues

1 or making political contributions to a professional employee
2 organization. I further realize that membership and payment of dues
3 or political contributions are voluntary and that I may not be
4 discriminated against for my refusal to join or financially support
5 a professional employee organization. I hereby authorize my
6 employer to deduct dues and/or political contributions from my
7 salary in the amounts specified in accordance with my professional
8 employee organization's bylaws. I understand that I may revoke this
9 authorization at any time."

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

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

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

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