

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2529

By: Lepak

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5
6 AS INTRODUCED

7 An Act relating to school employees; prohibiting
8 specified existing organizations from continuing to
9 represent employees after certain date; requiring a
10 school district board of education to hold secret
11 ballot election; directing the board of education to
12 determine how the election shall be conducted;
13 authorizing the board of education to establish a fee
14 schedule to fund the election; eliminating
15 recognition of organization if it fails to receive a
16 majority of votes; providing for continuation of
17 contract terms if an organization is eliminated;
18 providing exception; allowing board of education to
19 recognize a new employee organization under certain
20 circumstances; providing requirements for elections
21 to certify majority support; amending 70 O.S. 2021,
22 Section 5-139, which relates to payroll deductions;
23 prohibiting certain payroll deductions; amending 62
24 O.S. 2021, Section 34.70.1, which relates to state
agency payroll deductions; modifying prohibition
against payroll deductions on behalf of certain
employees for certain membership dues; modifying date
of application; providing for codification; providing
an effective date; and declaring an emergency.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 509.13 of Title 70, unless there
24 is created a duplication in numbering, reads as follows:

1 A. No existing employee organization established pursuant to
2 the provisions of Section 509.2 of Title 70 of the Oklahoma Statutes
3 shall continue to represent employees as defined in Section 509.2 or
4 1-116 of Title 70 of the Oklahoma Statutes after December 31, 2023,
5 except as provided for in this section.

6 B. 1. A school district board of education shall hold a secret
7 ballot election for all employees in any bargaining unit represented
8 by an existing employee organization to determine whether the
9 organization retains support of a majority of all employees in the
10 bargaining unit.

11 2. The school district board of education shall determine
12 whether elections shall be conducted in person, by mail, by
13 telephone, by Internet-based systems or by any other means
14 determined by the board of education to be fair, confidential and
15 reliable. The board of education shall allow employees in the
16 bargaining unit to cast ballots for a period of five (5) business
17 days.

18 3. The school district board of education may establish a fee
19 schedule, consistent with the provisions of Section 509.2 of Title
20 70 of the Oklahoma Statutes, for employee organizations subject to
21 elections conducted pursuant to the provisions of this section for
22 the purpose of funding the election.

23 C. If a majority of all employees in the bargaining unit votes
24 in favor of retaining the existing employee organization, the

1 organization shall remain the representative of employees in the
2 bargaining unit pursuant to the provisions of Section 509.2 of Title
3 70 of the Oklahoma Statutes. If a majority of all employees in the
4 bargaining unit do not vote in favor of retaining the existing
5 employee organization, the school district board of education shall
6 no longer recognize the organization as the representative of
7 employees in the unit and the employees shall be unrepresented.

8 D. When an existing employee organization is no longer
9 recognized, the terms of any preexisting contract between the
10 employee organization and the school district employees represented
11 by the organization shall continue and remain in effect for the
12 remaining contract term, except for any provisions involving in any
13 manner the employee organization including, but not limited to,
14 organization security, dues, fees, grievances and arbitration.

15 E. A school district board of education may recognize a new
16 employee organization in accordance with the provisions of Section
17 509.2 of Title 70 of the Oklahoma Statutes, but the new employee
18 organization may not be substantially similar to or affiliated with
19 an employee organization that has lost recognition pursuant to the
20 provisions of subsection C of this section for twelve (12) months
21 from the date of the loss of recognition.

22 F. The school district board of education shall hold an
23 election to certify majority support of existing employee
24 organizations no earlier than August 1, 2023, and no later than

1 December 1, 2023, and every three (3) years thereafter. Elections
2 shall occur no earlier than August 1 and no later than December 1.

3 SECTION 2. AMENDATORY 70 O.S. 2021, Section 5-139, is
4 amended to read as follows:

5 Section 5-139. ~~School~~ A. Except as provided by subsection B of
6 this section, school districts shall make payroll deductions for
7 either or both professional organization dues and political
8 contributions at the written request of any school employee and
9 shall transmit deducted funds to the organization designated by the
10 school district employee. Such deductions shall be on a ten-month
11 basis unless otherwise designated by the employee organization.
12 However, a school employee may request at any time in writing,
13 including by email or fax, for the school district to immediately
14 terminate or initiate payroll deductions to a professional
15 organization. Upon receipt of any written request, the school
16 district shall within five (5) business days or by the next pay
17 period, whichever is earlier, terminate or initiate any future
18 payroll deductions of the requesting school employee to a
19 professional organization. Upon receipt of a written request, the
20 school district shall notify the professional organization of the
21 initiation or termination of payroll deductions within fifteen (15)
22 business days. If the request is to terminate a deduction, the
23 school district shall not make any advance payments to any
24 professional organization of any future dues on behalf of the school

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

14 B. School districts shall not make payroll deductions for any
15 public employee association or organization or professional
16 organization that collectively bargains on behalf of its membership.

17 SECTION 3. AMENDATORY 62 O.S. 2021, Section 34.70.1, is
18 amended to read as follows:

19 Section 34.70.1 A. It shall be unlawful for any state agency
20 or school district to make payroll deductions on behalf of ~~a state~~
21 an employee for membership dues in any public employee association
22 or organization or professional organization that on or after
23 ~~November 1, 2015~~ December 31, 2023, collectively bargains on behalf
24 of its membership pursuant to any provision of ~~federal~~ state law.

1 B. For purposes of this section:

2 1. "State agency" means any office, officer, bureau, board,
3 counsel, court, commission, institution, unit, division, body or
4 house of the executive or judicial branches of the state government,
5 whether elected or appointed, excluding political subdivisions of
6 the state. State agency shall include public school districts, the
7 Oklahoma State Regents for Higher Education, the institutions,
8 centers, or other constituent agencies of The Oklahoma State System
9 of Higher Education, the State Board of Career and Technology
10 Education, technology center school districts, the State
11 Legislature, and the Office of the Governor; and

12 2. "Public employee" means an elected or appointed officer or
13 employee or contract employee of a state agency as defined in this
14 section, unless otherwise indicated.

15 SECTION 4. This act shall become effective July 1, 2023.

16 SECTION 5. It being immediately necessary for the preservation
17 of the public peace, health or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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