



## PROFESSIONAL FIRE FIGHTERS OF OKLAHOMA AFL-CIO/CLC

# Senate Bill 436 Amending Fire Fighters and Police Officers

## Bargaining Unit Composition

### LEGISLATIVE FACT SHEET

#### CURRENT LAW

§11-51-101. Public policy of fire and police arbitration law.

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

§11-51-102 of the Oklahoma Fire Fighters and Police Officers Arbitration Act adopted in 1971 states:

1. *"Fire fighters and police officers" shall mean the permanent paid members of any fire department or police department in any municipality within the State of Oklahoma **but shall not include the chief of police and an administrative assistant and the chief of the fire department and an administrative assistant.** The administrative assistant shall be that person so designated by the chief of the police department.*

#### PROPOSED LEGISLATION

Senate Bill 436 Proposes:

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

1. *"Fire fighters and police officers" shall mean the permanent paid members of any fire department or police department in any municipality within the State of Oklahoma **but shall not include the chief of police and an up to seven (7) administrative assistant assistants and the chief of the fire department and an up to seven (7) administrative assistant assistants.** The administrative assistant assistants shall be that person so designated by the chief of the police department and chief of the fire department. "Police officers" as used herein shall be those persons as defined in Section 50-101 of this title.*

#### P.F.F.O. POSITION

There are no compelling reasons to depart from this long-standing system. It is not clear what the motivation for this bill is since the current system has been in place and working smoothly for the past 35 years. All the issues regarding the legal definitions and duties of administrative assistants have been litigated or resolved years ago. Creating an upheaval now in Fire and Police Departments would open up many new lawsuit opportunities, good for lawyers but not so good for municipalities and public safety employees, especially when it is totally unnecessary.

The bill removes basic workplace protections for an additional seven fire fighters or police officers by excluding them from coverage of the city's employment contract. The bill leaves it up to the municipality to decide which individual fire fighters or police officers get to keep those protections and who loses them. There is no standard for this choice, it could range from the newest fire fighter to the most senior Police Captain. The arbitrary choice to remove contract protection is sure to be challenged on constitutional equal protections grounds. And the number itself is arbitrary considering that the size of police and fire departments varies greatly in Oklahoma. In some smaller towns this bill would gut protection for members of a majority of the departments.

CURRENT STATUS: Prefiled

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