

Fact Sheet

Oklahoma City Workers: After Winning Collective Bargaining Rights, Faced Court Challenges & Won

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AFSCME is at the forefront of the battle to win collective bargaining rights for public employees. Passage of state and local collective bargaining laws has always been a key component of AFSCME organizing strategy, but as the fight moves to southern and southwestern states the battle gets harder and harder to win.

In April 2004, AFSCME secured collective bargaining legislation covering 10,000 municipal workers in Oklahoma. The law applied to communities of 35,000 or more: currently Oklahoma City, Tulsa, Edmond, Broken Arrow, Lawton, Norman, Midwest City, Stillwater, Enid, Muskogee and Bartlesville. After a long legal battle that landed in the Oklahoma Supreme Court, nearly 4,000 of the non-uniformed employees across the state are awaiting certification from the PERB, and look forward to beginning the fight for their first contracts.

Here's their story:

After the collective bargaining legislation passed in 2004, Enid city employees posted an ad in the local newspaper announcing a meeting to determine if they wanted a union and which union it would be. Of 250 city employees, 125 attended the meeting. The vote was 119-1 for a union. Of those voting, 105 voted for AFSCME.

From July to October 2004, even before the law took effect, similar sentiment swept across the state and workers in several cities overwhelmingly chose AFSCME as their representative. These employee groups then approached their city commissions for recognition, but city after city refused to act.

In November 2004, the collective bargaining law went into effect. In five cities, employees petitioned for recognition with the Oklahoma Public Employees Relations Board (PERB). Four days later, the cities of Enid and Lawton filed lawsuits challenging the constitutionality of the law due to the population threshold in the legislation. PERB halted all proceedings due to the injunction. The city workers across the state decided to take matters into their own hands and elected new city commissioners who would support the workers' choice to form a union. In March 2005, numerous AFSCME-supported candidates won their races, putting three pro-employee officials on the Enid City Commission, one in Bartlesville, and one in Lawton. The workers were still one vote short of a majority on two of the commissions, but the victories reflected the strong support the workers had built among the general public (87% of Enid residents polled supported the workers' freedom to form a union).

In July 2005, the Oklahoma Supreme Court ruled the collective bargaining law unconstitutional. AFSCME then asked the Supreme Court to re-think its decision, submitting a "Motion to Reconsider." We argued that the Supreme Court's decision conflicted with 80 years of past court decisions on population-based laws, and pointed out that several dozen state laws already on the books are based on population. In fact, shortly before the court's decision, AFSCME released an index of nearly 160 state laws based on population, which received widespread press attention. In a stunning turn of events, the Oklahoma Supreme Court reversed its earlier decision and reinstated the collective bargaining law on March 14, 2006.

Soon, thousands of Oklahoma municipal workers will be AFSCME members with full-fledged collective bargaining rights. These brave workers demonstrate that when we fight, we win.