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New Oklahoma Supreme Court Decision Declares Municipal Labor Law Unconstitutional

McAfee & Taft successfully represents several Oklahoma cities in challenge to Oklahoma's municipal employees collective bargaining act

The Oklahoma Supreme Court decided on July 5, 2005, that a newly enacted municipal labor law violated the Oklahoma Constitution and invalidated the law in its entirety. *City of Enid v. Public Employees Relations Board*, 2005 OK 55. Two members of McAfee & Taft's Labor and Employment practice group, Tony G. Puckett and Ronald T. Shinn Jr., successfully prosecuted the case on behalf of several Oklahoma cities.

During the 2004 regular session, the Oklahoma Legislature enacted the Oklahoma Municipal Employees Collective Bargaining Act ("MECBA"), which provided municipal employees in cities with more than 35,000 residents with the right to organize and engage in collective bargaining with municipal management. Several cities challenged MECBA as an unconstitutional "special" law because MECBA's population threshold applied unequally to only those cities with more than 35,000 residents. After district courts in Oklahoma County ruled that MECBA was unconstitutional, their decisions were appealed to the Oklahoma Supreme Court by two labor unions.

In a rare hearing, the Oklahoma Supreme Court heard oral arguments on MECBA's constitutionality in May of this year, which was followed up by the Court's July 5 ruling in the cities' favor.

"The Oklahoma Supreme Court's decision is significant in both municipal labor relations and Oklahoma constitutional jurisprudence," Puckett remarked. "The decision upholds the Oklahoma Constitution, and prevents application of flawed legislation that would have singled out for different treatment a subclass of 11 Oklahoma cities."

The 11 cities that would have been affected by MECBA are Broken Arrow, Edmond, Enid, Lawton, Midwest City, Moore, Muskogee, Norman, Oklahoma City, Stillwater, and Tulsa.

If you have questions regarding this new decision, please contact Tony Puckett at (405) 552-2251 or Ron Shinn at (405) 552-2323.

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