

ENGROSSED HOUSE  
BILL NO. 1880

BY: McCORKELL of the HOUSE

and

DICKERSON of the SENATE

AN ACT RELATING TO STATE GOVERNMENT; AMENDING 74 O.S.  
1991, SECTION 841.7, WHICH RELATES TO DISCUSSION OF  
OFFICE OPERATIONS BETWEEN STATE EMPLOYEES AND  
OTHERS; PROHIBITING DISCIPLINARY ACTIONS AGAINST  
CERTAIN EMPLOYEES; PROHIBITING SUPERVISORS FROM  
PRECLUDING EMPLOYEES FROM PROVIDING CERTAIN  
INFORMATION TO OTHERS; PROHIBITING CERTAIN ACTS;  
PROVIDING RULE OF CONSTRUCTION; REQUIRING POSTING;  
MODIFYING DEFINITION; AUTHORIZING CERTAIN APPEALS;  
REQUIRING THE MERIT PROTECTION COMMISSION TO  
CONDUCT INVESTIGATIONS; PROVIDING FOR HEARINGS;  
MODIFYING SANCTIONS; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 841.7, is  
amended to read as follows:

Section 841.7 A. No supervisor or appointing authority of any  
state agency shall prohibit or take disciplinary action against  
employees of such agency, whether subject to the provisions of the  
Merit System or in unclassified service, ~~from discussing~~ for:

1. Discussing the operations of the agency, either specifically  
or generally with ~~others.~~

~~The Oklahoma Merit Protection Commission shall promulgate rules and regulations providing for all state agencies and state employees to be informed of their rights of expression and communication. Said rules and regulations shall provide for the prominent posting of a statement of employee rights under this section in all offices of all state agencies and shall also provide for the direct distribution of a statement of rights of employees pursuant to this section to each employee of the State of Oklahoma.~~

~~Disciplinary actions, including, but not limited to, members of the Legislature or the Governor; or~~

~~2. Reporting any violation of state or federal law, rule or policy; mismanagement; a gross waste of public funds; an abuse of authority; or a substantial and specific danger to public health or safety;~~

~~3. Disclosing public information which is not required or permitted by law to be kept confidential;~~

~~4. Reporting such information without giving prior notice to the employee's supervisor.~~

~~B. No employee who has authority to take, direct others to take, recommend or approve any personnel action shall take or fail to take any personnel action with respect to any employee for filing an appeal with the Oklahoma Merit Protection Commission. This section shall not be construed to prohibit disciplinary action against an employee who discloses information which:~~

~~1. The employee knows to be false or which the employee discloses with reckless disregard for its truth or falsity; or~~

~~2. The employee knows to be confidential pursuant to law.~~

~~C. Each state agency, department, institution, board and commission in all branches of state government, including all institutions in The Oklahoma State System of Higher Education, shall prominently post a copy of this section in locations where it can reasonably be expected to come to the attention of all employees.~~

D. As used in this section, "disciplinary action" means any direct or indirect form of discipline, any dismissal, demotion, transfer, reassignment, suspension, reprimand, admonishment, warning of possible dismissal, reduction in force, reduction in rank, reduction in status, or withholding of work, shall not be taken against any employee for providing or offering to provide information or for communicating to others any substantiated claim of wrongdoing by or within a state agency.

E. Any employee or any former employee aggrieved pursuant to this section may file a written request an appeal with the Oklahoma Merit Protection Commission within thirty (30) days of the alleged disciplinary action for a hearing by the Oklahoma Merit Protection Commission. The Commission shall set such matters down for hearing within thirty (30) days after the filing of a request for review. If, after investigation, the Executive Director determines a violation of this section may have occurred, the Executive Director shall appoint a hearing examiner to hear the case as provided for in Section 841.15 of this title.

F. If, after the hearing, it is determined that a violation has occurred, the Commission or hearing examiner shall order corrective action pursuant to the provisions of Section 841.15 of this title. Any employee, supervisor or appointing authority of any state agency, whether subject to the provisions of the Merit System of Personnel Administration or in unclassified service, knowingly and willfully violating the provisions of this section shall forfeit his position and be ineligible for appointment to or employment in a position in state service for a period of ~~five (5)~~ two (2) years. The decision of the Commission in such cases may be appealed by any party pursuant to Article II of the Administrative Procedures Act, Sections ~~301~~ 309 through ~~326~~ 323 of Title 75 of the Oklahoma Statutes.

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

Passed the House of Representatives the 9th day of March, 1992.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1992.

President of the Senate