

NROLLED HOUSE

BILL NO. 1973

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.5c of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Administrator of the Office of Personnel Management shall establish a Personnel Management Information System to provide various management reports to facilitate decision making within agencies, and to promote the efficient utilization of personnel resources by providing a method for tracking, monitoring and reporting positions and employee transactions. The System shall include information on both the classified and unclassified services, but shall not require institutions within The Oklahoma State System of Higher Education to participate.

B. The Administrator of the Office of Personnel Management shall promulgate rules regarding the Personnel Management Information System as necessary to implement the provisions of this section. Such rules shall establish a schedule to ensure the orderly implementation of such Personnel Management Information System.

C. The Personnel Management Information System shall be implemented for all state agencies under the Merit System by July 1, 1993, and for all other state agencies by July 1, 1994.

D. State agencies shall assist the Office of Personnel Management as necessary to ensure the orderly completion of implementation as provided for in this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.5d of Title 74, unless there is created a duplication in numbering, reads as follows:

Beginning July 1, 1993, all state agencies, boards, commissions, departments and offices, excluding state institutions of higher education, shall utilize the central payroll system administered by the state Office of Personnel Management. This provision shall not prohibit state institutions of higher education from utilizing the central payroll system at their discretion.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.7a, is amended to read as follows:

Section 840.7a The Administrator of the Office of Personnel Management shall promulgate such emergency and permanent rules regarding annual leave and sick leave as are necessary to assist the state and its agencies in the equitable implementation of the State Disability Insurance Program. Such rules shall be so designed as to provide for coordination between leave accrual, leave accumulation, leave use, and eligibility for disability insurance coverage, such disability insurance coverage to be determined by the State Employees Group Health, Dental and Life Insurance Board.

The Office of Personnel Management, in adopting new rules, amending rules and repealing rules, shall ensure that the following provisions are incorporated:

1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance with the schedule outlined below. Leave will be accrued on a monthly basis and prorated, as appropriate, for less than full-time service.

2.

ACCRUAL RATES

ACCUMULATION
LIMITS

	<u>Years of Services</u>	<u>Annual Leave</u>	<u>Sick Leave</u>	<u>Annual Leave</u>
Persons employed	0-5 yrs =	15 day/yr	15 days	30 days
	5-20 yrs =	18 day/yr	per year	60 days
	over 20 yrs =	20 day/yr		60 days

All accrued annual leave and all leave eligibility under O.A.C. 530:10-15-11(b) (5) which is in excess of annual leave limits shall not be reduced or eliminated as a result of these rule changes.

3. Employees entering on duty in eligible status and eligible employees reinstated or reemployed following a break in service on or after July 1, 1985, shall accrue annual and sick leave in accordance with the provisions of paragraph 2 of this section on and after the effective date of this act, Section 840.1 et seq. of this title, but shall not be entitled to any additional leave for the period between July 1, 1985, and the effective date of this act as a result of the provisions of this act.

4. Temporary employees and other limited term employees are ineligible to accrue, use, or be paid for sick leave and annual leave. Such employees shall be eligible for paid holiday leave at the discretion of the appointing authority.

5. This act is not intended to mandate the amendment of any rule of the Office of Personnel Management except as provided herein.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 840.8 (Section 3, Chapter 308, O.S.L. 1991), is amended to read as follows:

Section 840.8 The following offices, positions, and personnel comprise the exempt unclassified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Federally funded time-limited employees hired for the specific purpose of providing public service employment or one-time special or research project services for a limited period of time and shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and State Department of Vocational and Technical Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period. This category of employees shall include persons employed on an intermittent, provisional, seasonal, temporary or emergency basis;

9. Temporary lake patrol officers, regardless of the number of hours worked, who are employed by the Department of Public Safety during the period March 16 through October 31 in any calendar year; provided, the hours worked shall be considered in determining the

temporary employee's eligibility for subsequent employment in any other unclassified temporary employment category;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in (a) an institution of higher learning within The Oklahoma State System of Higher Education (b) an institution of higher learning qualified to become coordinated with said State System of Higher Education (c) for purposes of this act a student shall be considered a regularly enrolled student if he is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, and regularly attending classes during that semester of employment or (d) high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's Full-Time-Equivalent Employee Limit;

14. Employees of State Capitol cafeterias;

15. Employees of either the House of Representatives or the State Senate;

16. Grand River Dam Authority personnel occupying the following offices and positions:

- a. The general manager, assistant general managers, secretaries to the general manager, and assistant general managers,
- b. The chief engineer and the engineers, superintendents, and assistant superintendents,
- c. The general counsel and the attorneys on the general counsel's staff,
- d. The secretary,
- e. The treasurer,
- f. Rate analysts, and
- g. Unclassified employees hired prior to May 1, 1989, who hold engineering job titles but who are not registered engineers, provided said persons are reassigned nonengineering job titles. At such time as the positions occupied by said unclassified employees are vacated, the positions shall revert to the classified service;

17. Oklahoma Tax Commission personnel occupying the following offices and positions:

- a. All revenue administrators, the budget officer and the comptroller of the Tax Commission,
- b. All administrators and unit managers in the Management Information Services Division,
- c. All Computer Programming Systems Specialist positions,
- d. All Data Processing Programmer Analyst Supervisor and Data Processing Programmer Analyst III positions,
- e. All Public Affairs Officer and Assistant Public Affairs Officer positions,

- f. Public Information Officer, and
- g. All Tax Economist positions;

18. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative assistant, administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, and
- c. General Counsel;

19. State Department of Education personnel occupying the following offices and positions:

- a. Administrative Assistants,
- b. Informational Representatives III,
- c. Driver Educational Electronics Technician,
- d. Media Technical Assistants,
- e. Executive Secretaries,
- f. Accounting Supervisor,
- g. Supervisor of Records,
- h. Supervisor of Printing Services,
- i. Migrant Records Transfer System Representative,
- j. Financial Managers, and
- k. In addition to the State Department of Education offices and positions listed in this paragraph, any and all offices and positions within the State Department of Education for which the annual salary is Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall also be in the unclassified service of this state.

Nothing in this paragraph is intended to change the status, whether classified or unclassified, of any person employed by the Department of Education prior to May 1, 1989. No position shall become unclassified while it is occupied by a classified employee because of any change in salary or grade. Hereafter, any position paid an annual salary of Twenty-one Thousand Nine Hundred Forty-three Dollars (\$21,943.00) or more shall be in the unclassified service upon being vacated;

20. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

21. Bill Willis Community Mental Health Center personnel occupying the following offices and positions:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director, and
- d. Executive Secretary to Director;

22. The State Comptroller, Office of the Director of State Finance;

23. Employees of the Oklahoma Development Finance Authority;

24. Those positions so specified in the annual business plan of the Department of Commerce;

25. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

26. The following positions and employees of the Oklahoma School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and

- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in Section 840.10 of this title;

27. State Insurance Fund personnel occupying the following offices and positions:

- a. Commissioner,
- b. Deputy Commissioner,
- c. Administrative Assistants to the Commissioner,
- d. Executive Secretaries to the Commissioner and Deputy Commissioner,
- e. Law Clerks and Legal Assistants,
- f. Special Counsel,
- g. General Counsel,
- h. Medical Analysts Supervisor,
- i. Medical Analysts,
- j. Field Adjusters,
- k. Investment Officer, and
- l. Collections Attorneys;

28. The Carl Albert Internship Program Coordinator within the Office of Personnel Management;

29. Department of Corrections personnel occupying the following offices and positions:

- a. Associate Director,
- b. Executive Secretary,
- c. General Counsel,
- d. Assistant General Counsel,
- e. Deputy Director,
- f. Public Information Officer,
- g. Personnel Manager,
- h. Administrator of Planning and Research,
- i. Administrator of Finance and Accounting,
- j. Executive Assistant,
- k. Administrator of Information Services,
- l. Affirmative Action Officer,
- m. System Development Manager,
- n. Computer Operations Manager,
- o. Training Director,
- p. Assistant Training Director,
- q. Administrator of Construction and Maintenance,
- r. Administrative Assistant,
- s. Secretary,
- t. Administrator of Classification and Programs,
- u. Coordinator of Facility Classification,
- v. Mediation Coordinator,
- w. Inspector General,
- x. Medical Director,
- y. Psychiatrist,
- z. Physician,
- aa. Optometrist,
- ab. Dental Services Supervisor,
- ac. Dentist,
- ad. Psychologist,
- ae. Administrator of Dietary Services,
- af. Warden I,
- ag. Warden II,
- ah. Warden III,
- ai. Deputy Warden I,
- aj. Deputy Warden II,
- ak. Deputy Warden III,
- al. Community Treatment Center Superintendent,
- am. Community Treatment Center Assistant Superintendent,
- an. Probation and Parole District Supervisor,
- ao. Probation and Parole Assistant District Supervisor,

- ap. Administrator of Human Resources,
- aq. Facility Staffing Pattern Analyst,
- ar. Correctional School Superintendent,
- as. Regional Director,
- at. Assistant Regional Director,
- au. Chief of Operations, and
- av. Chief Psychologist;

30. Department of Corrections personnel occupying the following offices and positions as representatives of the Oklahoma State Industries:

- a. Administrator of Industrial Production,
- b. Administrator of Agriculture Production,
- c. OSI Sales Representative,
- d. OSI Sales Manager, and
- e. Marketing Manager.

The positions listed in this paragraph shall be funded from the Department of Corrections Industries' Revolving Fund only. In addition to the regular salary, any unclassified sales representative of the Oklahoma State Industries of the Department of Corrections who is responsible for obtaining a contract for products manufactured or services provided by prison industries may, at the discretion of the Director of the Department of Corrections, be awarded additional compensation of not more than five percent (5%) of the total amount of said contracts but not more than Five Thousand Dollars (\$5,000.00) per year. This compensation may be in addition to the salary of the employee and may be paid in one lump sum from any funds available to the Department of Corrections. No such compensation shall be made unless funds are available. Funds for payment of any compensation awards shall be encumbered to the extent of the awards.

Incumbents in positions listed in paragraph 29 of this section and in this paragraph that are classified under the Merit System of Personnel Administration on the effective date of this act shall have the option of remaining in their classified status under the Merit System of Personnel Administration. Incumbents that choose to accept unclassified appointments shall so signify in writing. All future appointees to these positions shall be unclassified. Incumbents that choose to remain in the classified service under the Merit System of Personnel Administration shall be subject to all rules and procedures of the Merit System of Personnel Administration. By the end of the first full work week of each month, the Director of the Department of Corrections shall submit to the Director of State Finance a report listing the total number of part-time employees employed during the preceding month, the positions for which they were employed, and the number of hours worked for each part-time position;

31. Department of Labor personnel occupying the following offices and positions:

- a. Deputy Commissioner,
- b. Executive Secretary to the Commissioner,
- c. Chief of Staff, and
- d. Administrative Assistant, Legal;

32. The State Bond Advisor and his employees;

33. The Oklahoma Employment Security Commission employees occupying the following positions:

- a. Associate Director,
- b. Secretary to the Associate Director, and
- c. Assistant to the Executive Director; and

34. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 841.3, is amended to read as follows:

Section 841.3 In addition to any other duties expressly set forth by law, the Oklahoma Merit Protection Commission shall:

1. receive and act on complaints, counsel persons and groups on their rights and duties and take action designed to obtain voluntary compliance with the provisions of the Oklahoma Personnel Act; and

2. investigate allegations of violations of the provisions of the Oklahoma Personnel Act within their jurisdiction; and

3. investigate allegations of abuses in the employment practices of the Administrator of the Office of Personnel Management or of any state agency; and

4. investigate allegations of violations of the rules of the Merit System of Personnel Administration and prohibited activities in the classified service; and

5. establish and maintain a statewide Alternative Dispute Resolution Program to provide dispute resolution services for state agencies and employees; and

6. establish rules and regulations, pursuant to the Administrative Procedures Act, Sections 301 through 326 of Title 75 of the Oklahoma Statutes, as may be necessary to perform the duties and functions of the Commission; and

7. establish guidelines for the qualifications, duties, responsibilities, authority, power, and continued employment of the Executive Director, hearing examiners, and other employees of the Commission; and

8. prepare and preserve an audio tape of all proceedings of all hearings conducted by the Commission and furnish transcripts of such tapes upon payment of the costs of such transcripts by the party requesting the transcripts; and

9. submit quarterly, fiscal year reports on workload statistics to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate containing the following information:

- a. the number of cases, complaints, and requests for hearing filed, disposed of and pending with the Commission for each month of the quarter,
- b. a numerical breakdown of the methods of disposition of such cases, complaints, and requests for hearing,
- c. a numerical breakdown of mediations, prehearing conferences, and appellate hearings, conducted, and
- d. the date of the oldest pending case, complaint, and request for hearing.

The report for the first quarter of fiscal year 1989 shall be submitted on or before October 31, 1988. Quarterly reports thereafter shall be submitted within thirty (30) days following the last day of the month of the appropriate quarter; and

10. make all records of the Commission, except those made confidential by law, available for public inspection, copying and mechanical reproduction, or either of them, in accordance with the Oklahoma Open Records Act and charge a fee not to exceed twenty-five cents (\$.25) per page as the direct costs of document copying or mechanical reproduction. All fees collected pursuant to the provisions of this paragraph shall be deposited in the Oklahoma Merit Protection Commission Revolving Fund.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 841.13, is amended to read as follows:

Section 841.13 A. It is the purpose of this section to provide a system for the prompt, fair, and equitable disposition of appeals by permanent classified employees who have been demoted, suspended, or discharged. Further, it is the intent of this section that all decisions rendered as a result of this procedure shall be confined to the issues submitted for decision and consistent with the applicable laws and rules.

B. Any employee in the classified service may be discharged, suspended without pay for not to exceed sixty (60) calendar days, or demoted by the agency, department, institution, or officer by whom employed for misconduct, insubordination, inefficiency, habitual drunkenness, inability to perform the duties of the position in which employed, willful violation of the Oklahoma Personnel Act or of the rules prescribed by the Office of Personnel Management or by the Oklahoma Merit Protection Commission, conduct unbecoming a public employee, conviction of a crime involving moral turpitude, or any other just cause. Before any such action is taken against a permanent classified employee, the employing agency, department, institution or officer shall provide the employee with a written statement of the specific acts or omissions that are causes or reasons for the proposed action, an explanation of the agency's evidence, and an opportunity to present reasons why the proposed action is improper. A state agency shall have sole and final authority to designate the place or places where its employees shall perform their duties. The Oklahoma Merit Protection Commission shall not have jurisdiction to entertain an appeal of an employee from action of the employing agency transferring the employee from one county or locality to another, changing the assigned duties of the employee, or relieving the employee from performance of duty at a particular place and reassigning to the employee duties to be performed at another place, unless:

1. the action results in a change in job classification or reduction of base salary; or
2. an investigation by the Commission indicates that a violation of the provisions of Section 841.7 or 841.10 of this title may have occurred; or

3. it is established that the action was clearly taken for disciplinary reasons and to deny the employee the right of appeal. Within five (5) calendar days after such discharge, suspension, or demotion, the appointing authority shall notify the employee by certified mail or personal service of the action taken and the specific cause for which said appointing authority has so acted. Within twenty (20) calendar days after receiving the written notification provided for in this section, the employee may file a written request for appeal with the Oklahoma Merit Protection Commission. The Executive Director shall determine if the jurisdictional requirements provided for in this section have been met. If the jurisdictional requirements are not met, the Executive Director shall notify both the employee and the agency within five (5) calendar days after the receipt of a written appeal request. Such notice shall specifically describe the requirements that were not met. If said requirements have been met, the Executive Director shall refer the appeal request to a hearing examiner for a hearing on said discharge, suspension, or demotion, or refer the appeal request to the Alternative Dispute Resolution Program.

If the case is not referred to the Alternative Dispute Resolution Program, then within five (5) calendar days after receipt of said properly executed appeal request, the Executive Director shall provide said employee and the appointing authority with a written notice of (1) a prehearing conference to be held at least five (5) working days, but not more than ten (10) working days, before the date of the hearing; and (2) the appeal hearing date which shall be no later than thirty-five (35) calendar days after the receipt of the appeal request, unless continued for good cause. Any continuances shall not exceed a combined total of sixty (60) calendar days except for good cause shown. Both the prehearing conference and the hearing shall be conducted in accordance with the provisions of Section 841.13A of this title. The notice shall be in the following form:

Notice of Hearing

Oklahoma Merit Protection Commission to _____. You are hereby notified that pursuant to your request an appeal hearing on your (discharge), (suspension), (demotion), from the position of _____ has been set for the _____ day of _____ at _____ M. at _____ in _____, a copy of said cause for your (discharge), (suspension), (demotion), being hereto attached.

Dated this _____ day of _____ City of _____ By _____
Special Counsel of the Oklahoma Merit Protection Commission.

In all hearings of appeals from demotion, suspension, or discharge, the burden of proof shall rest with the appointing authority, and decisions shall be made based on the rule of preponderance of evidence. The employee shall be sustained or not sustained. If the employee is not sustained in the appeal, the employee shall be discharged, or suspended without pay for not to exceed sixty (60) calendar days, or demoted. If sustained in the appeal, in whole or in part, the hearing examiner may either adjudge a forfeiture of pay not in excess of sixty (60) calendar days without loss of other rights and benefits or order reinstatement of appellant to the class previously held with full rights and without loss of pay or other benefits; provided that the decision will not result in an employee working out of proper classification as determined by the Office of Personnel Management.

The findings of the hearing examiners shall be final and conclusive upon all questions within their jurisdiction between the parties except as provided for in Sections 317 and 318 of Title 75 of the Oklahoma Statutes. Such decisions are subject to judicial review if appealed to the district court within thirty (30) calendar days. The State of Oklahoma or any agency of the state shall not be allowed to appeal to the district court unless the employee is continued on full pay in the same status of employment existing prior to suspension or discharge.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 841.13b of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Merit Protection Commission shall establish and maintain a mandatory Alternative Dispute Resolution Program and shall adopt and promulgate such rules as may be necessary for the implementation and management of the program.

B. A purpose of the Alternative Dispute Resolution Program is to provide an economical means and access to effective alternative dispute resolution services to all state agencies and employees.

C. The Oklahoma Merit Protection Commission may require employees and agencies to utilize the Alternative Dispute Resolution Program to resolve disputes brought before the Commission pursuant to Sections 841.13 and 841.15 of Title 74 of the Oklahoma Statutes.

D. The decision in such cases may be appealed by any party pursuant to Article II of the Administrative Procedures Act, Sections 309 through 323 of Title 75 of the Oklahoma Statutes.

SECTION 8. AMENDATORY 74 O.S. 1991, Section 841.15, is amended to read as follows:

Section 841.15 A. Any person who believes that his or her rights under the Oklahoma Personnel Act, Section 840.1 et seq. of this title, have been violated may appeal to the Oklahoma Merit Protection Commission for corrective action.

B. Excluding the procedures set forth in Section 841.13 of this title, the Executive Director shall conduct preliminary investigations of possible violations of the Oklahoma Personnel Act. The Executive Director shall prepare a report of each such investigation stating the issues and findings of fact. If it is the determination of the Executive Director that a violation of the Oklahoma Personnel Act or the Merit System of Personnel Administration Rules may have occurred, the Executive Director shall, within ten (10) calendar days after the date of the report,

appoint a hearing examiner to hear the case or refer the case to the Alternative Dispute Resolution Program, as appropriate and provided for by law. If the appeal is to be heard by a hearing examiner, the Executive Director shall notify the appellant and the appointing authority of the date, time, and place of the hearing in accordance with the provisions of Section 841.13A of this title. Such hearing shall be conducted within thirty-five (35) calendar days of the date of the investigative report unless continued for good cause. Any continuances shall not exceed a combined total of sixty (60) calendar days except for good cause shown.

The prehearing conference and hearing shall be conducted in accordance with the provisions of Section 841.13A of this title. If, after the hearing, it is determined a violation has occurred, the Commission or hearing examiner shall:

1. Direct the appointing authority to take the necessary corrective action; or
2. Report the finding to the appropriate authorities for further action.

Corrective action shall be confined to issues submitted for decision and shall be consistent with applicable laws and rules and limited to actions specifically granted to the Oklahoma Merit Protection Commission and hearing examiners in this act and shall not alter, reduce, or modify any existing right or authority as provided by statute or rule.

C. The following procedures shall pertain to the closing of a hearing record:

1. When a hearing is convened, the record will close at the conclusion of the hearing unless otherwise specified by the presiding official;
2. When a hearing is not convened, the record will close on the date set by the presiding official as the final date for the receipt of submissions of the parties; and
3. Once the record is closed, no additional evidence or argument shall be considered except upon a showing that new and material evidence has become available which was not readily available prior to the closing of the record.

SECTION 9. AMENDATORY 74 O.S. 1991, Section 1332, is amended to read as follows:

Section 1332. A. The State and Education Employees Group Insurance Board shall establish a Disability Insurance Program for state employees. The program shall consist of a long-term disability plan and a short-term disability plan. Participation in the program shall be limited to state employees who have been state employees for a period of not less than six (6) months and who are eligible for enrollment in the Health Insurance Plan administered by the Board. No state employee shall be eligible to receive any benefits from the long-term disability program unless the state employee has used all of his or her sick leave. The Board shall promulgate such rules and regulations as are necessary for adoption and administration of the Disability Insurance Program, including but not limited to benefit eligibility requirements, methods for computing benefit amounts, benefits amounts, and verification of medical and health status of employees applying for or receiving benefits.

B. The Disability Insurance Program shall be funded from appropriations made by the Legislature. Employees shall not be required to make contributions to participate in the program.

C. Employee disability insurance coverage shall begin on March 1, 1986.

D. The Board shall establish a grievance procedure by which a three-member grievance panel established in the same manner as specified in paragraph (f) of Section 1306 of this title shall act as an appeals body for complaints regarding the allowance and

payment of claims, eligibility, and other matters. The grievance procedure provided by this subsection shall be the exclusive remedy available to persons having complaints against the insurer. Such grievance procedure shall be subject to the Oklahoma Administrative Procedures Act, Sections 301 through 325 of Title 75 of the Oklahoma Statutes, including provisions thereof for review of agency decisions by the district court. The grievance panel shall schedule a hearing regarding the allowance and payment of claims, eligibility and other matters within sixty (60) days from the date the grievance panel receives a written request for a hearing. Upon written request to the grievance panel received not less than ten (10) days before the hearing date, the grievance panel shall cause a full stenographic record of the proceedings to be made by a licensed or certified court reporter at the insured employee's expense.

E. The Board may establish a claim processing division for claims administration or may contract for claims administration services with a private insurance carrier or a company that specializes in claims administration of any insurance that the Board may be directed to offer.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1.6a of Title 53, unless there is created a duplication in numbering, reads as follows:

The Oklahoma Historical Society may employ seasonal employees throughout the calendar year. Project labor employed by the Oklahoma Historical Society for a period of time necessary to complete a project shall be in the unclassified service of the state as provided by the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes. Such employees shall not be entitled to paid leave, paid holidays, retirement, health, dental or life insurance, and shall be exempt from any laws, rules or practices providing for such benefits.

The Oklahoma Historical Society shall include in its annual budget request a summary of the use of project labor which shall include the number of workers employed under the provisions of this section and the total wages paid to these employees.

SECTION 11. AMENDATORY 62 O.S. 1991, Section 7.12, is amended to read as follows:

Section 7.12 Except as otherwise provided by law, any full-time classified, unclassified or exempt employee of the state, excluding members of boards and commissions, institutions under the administrative authority of the Regents of Higher Education, employees of public school districts and elected officials, on July 1, 1991, and earning less than Twelve Thousand Sixty-three Dollars (\$12,063.00) per annum shall receive the necessary grade or salary adjustment to provide for a minimum annual salary of Twelve Thousand Four Hundred Eighty-three Dollars (\$12,483.00). Any full-time classified, unclassified or exempt employee of the state, excluding members of boards and commissions, institutions under the administrative authority of the Regents of Higher Education, employees of public school districts and elected officials, employed after July 1, 1991 shall receive a minimum annual salary of Twelve Thousand Four Hundred Eighty-three Dollars (\$12,483.00). This section shall not apply to those persons employed pursuant to paragraph 12, Section 840.8 of Title 74 of the Oklahoma Statutes or to those persons employed pursuant to Sections 1806.1 and 1825 of Title 74 of the Oklahoma Statutes or those persons employed pursuant to Section 10 of this act.

SECTION 12. AMENDATORY 74 O.S. 1991, Section 4190, is amended to read as follows:

Section 4190. A. The Administrator of the Office of Personnel Management is authorized to implement a pilot program establishing one or more child day care centers for minor dependents of state employees.

1. The Administrator shall appoint an advisory committee to review the child care needs of state employees, recommend suitable sites for centers, monitor and evaluate the operation of centers.

2. The advisory body shall report annually on the progress of the program to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives.

B. The Office of Personnel Management, the Office of Public Affairs, the Department of Human Services, and the Oklahoma State Department of Health are directed to cooperate in the implementation of this pilot program.

C. The Administrator is authorized to promulgate any State Employee Child Day Care Program Rules necessary for the establishment and implementation of this program. Any such rules shall:

1. Include eligibility requirements for participation in the program; and

2. Be promulgated pursuant to the provisions of the Administrative Procedures Act.

D. The initial child day care center shall be located in the Tulsa State Office Building. This child day care center shall reserve two-thirds (2/3) of the licensed spaces for eligible minor dependents of the state employees and may allow eligible children of other than state employees to utilize one-third (1/3) of the licensed spaces, with state employees retaining first priority for all vacant spaces.

E. The Administrator shall establish rates for child care consistent with the rates of the industry within the geographic area.

SECTION 13. AMENDATORY 6 O.S. 1991, Section 201, is amended to read as follows:

Section 201. A. There shall be a Banking Department which shall be a separate department of the state government charged with supervision of the activities in this state as provided in this Code and in other legislation conferring jurisdiction upon the Department.

B. The head of the Department shall be the Commissioner. He shall be appointed by the Governor with the advice and consent of the Senate; provided, the Commissioner shall have been a qualified elector of the state for at least three (3) years prior to his appointment, shall have attained his thirty-fifth birthday and shall have had ten (10) years' experience as a bank officer or employee, or five (5) years' experience as a bank president or managing officer of a bank, or five (5) years' experience as a state or federal bank examiner. The State Banking Commissioner shall be appointed for a term of four (4) years. The Commissioner may be removed by the Governor for cause after notice and hearing. A successor to a Commissioner who dies, resigns or is removed shall be appointed in the same manner as herein provided.

C. The Commissioner shall appoint a Deputy Commissioner who shall also serve as secretary to the Board hereinafter created; provided, the Deputy Commissioner shall have been a qualified elector of the state for at least three (3) years prior to his appointment and shall have attained his thirtieth birthday and shall have had five (5) years' experience as a bank officer or employee, or three (3) years' experience as a bank president or managing officer of a bank, or five (5) years' experience as a state or federal bank examiner. If the office of the Commissioner is vacant or if the Commissioner is absent or unable to act, the Deputy Commissioner shall be the acting Commissioner.

The Commissioner shall appoint an Administrative Assistant whose administrative duties shall be prescribed by the Commissioner. The Deputy Commissioner and Administrative Assistant shall serve at the will of the Commissioner.

The Attorney General is hereby authorized to appoint an Assistant Attorney General, in addition to those now provided by law, to be assigned to the State Banking Department. Such Assistant Attorney General shall perform such additional duties as may be assigned to him by the Attorney General, and shall otherwise be subject to all provisions of the statutes relating to Assistant Attorneys General. The Banking Department is authorized to pay from appropriated funds all or any part of the salary of said Assistant Attorney General.

The Commissioner may also appoint a Budget Director for the Department, a Savings and Loan Administrator and a Credit Union Administrator. The Budget Director, Savings and Loan Administrator and Credit Union Administrator shall have the duties and authority as prescribed by the Commissioner and serve at the will of the Commissioner.

The Commissioner shall also appoint an adequate number of Assistants to the Commissioner, who shall have had at least three (3) years' experience in actual banking or two (2) years' experience as a state or federal bank examiner. He may also appoint an adequate number of examiner-trainees who shall have such requirements as may be determined and established by the Oklahoma Banking Commission, and who may be appointed as Assistants to the Commissioner following twelve (12) months' training with the Banking Department.

The Commissioner shall prepare in writing a manual of all other necessary employee positions for the Department, including job classifications, personnel qualifications, duties, maximum and minimum salary schedules and other personnel information for approval by the Board. The Commissioner may, with the approval of the Board, select, appoint and employ such accountants, attorneys, auditors, examiners, clerks, stenographers and other personnel as he deems necessary for the proper administration of this Code.

D. All officers and employees of the Department other than the Commissioner, the Deputy Commissioner, Budget Director, Savings and Loan Administrator, and Credit Union Administrator, examiners of banks, trust companies, savings and loan associations, and credit unions, and the Administrative Assistant shall be in the competitive class of the Merit System of Personnel Administration, Sections 801 et seq. of Title 74 of the Oklahoma Statutes. Provided that, examiners of banks, trust companies, savings and loan associations, and credit unions not in the Merit System of Personnel Administration shall not be terminable except on cause shown in an individual proceeding as provided by the Administrative Procedures Act. The Banking Commissioner shall have the authority to determine if cause exists in the event such employee gives written notice of appeal of the termination within ten (10) days after the day of his termination.

E. The Commissioner may delegate to any officer or employee of the Department any of his powers and may designate any officer or employee of the Department to perform any of his duties.

F. The Commissioner, Deputy Commissioner, Assistants to the Commissioner and examiner-trainees shall, before entering upon the discharge of their duties, take and subscribe to the oath of office required of state officers as provided by Section 36.2A of Title 51 of the Oklahoma Statutes.

G. (1) Adoption of seal. The Board shall adopt an appropriate seal as the Seal of the State Banking Department.

(2) Affixing seal - Effect. Every certificate, assignment and conveyance executed by the Commissioner, in pursuance of the authority conferred upon him by law and sealed with the seal of the Department, shall be received in evidence and recorded in the proper recording offices in the same manner as a deed regularly acknowledged, as required by law.

(3) Fees. Whenever it is necessary for the Commissioner to approve any instrument and to affix the official seal thereto, the Commissioner shall charge a fee as provided by Banking Board rule for affixing his approval and the official seal to such instrument. Copies of all records and papers in the office of the State Banking Department, certified by the Commissioner and authenticated by the seal, shall be received in evidence in all cases equally and of like effect as the original. Whenever it is proper to furnish a copy of any paper filed in the State Banking Department and to certify such paper, the Commissioner may charge a fee as provided by Banking Board rule for furnishing such copy, for affixing the official seal on such copy and for certifying the same.

SECTION 14. AMENDATORY 6 O.S. 1991, Section 201.1, is amended to read as follows:

Section 201.1 A. Except as provided in subsection B of this section the annual compensation, payable monthly, of the State Banking Commissioner whose term commenced in 1990 shall be the sum of Sixty-four Thousand Forty-five Dollars (\$64,045.00).

B. The annual compensation, payable monthly, of the State Banking Commissioner who is appointed after July 1, 1992, shall be increased by the percentage or amount provided for salary increases for employees of the State Banking Department for each fiscal year beginning with Fiscal Year 1993, if such employee salary increases are authorized by the Legislature.

C. The salaries of the Deputy Commissioner, Budget Director, Administrative Assistant, and examiners of banks and trust companies shall be an amount recommended by the Commissioner and approved by the House of Representatives and the Senate of the Oklahoma Legislature. The salaries of the Savings and Loan Administrator and examiners of savings and loan associations shall be an amount recommended by the Commissioner and approved by the House of Representatives and the Senate of the Oklahoma Legislature. The salaries of the Credit Union Administrator and examiners of credit unions shall be an amount recommended by the Commissioner and approved by the House of Representatives and the Senate of the Oklahoma Legislature. The Commissioner and, with the Commissioner's authority, other members of the Department shall be entitled to reimbursement for actual and necessary travel expenses incurred in the performance of their duties, as provided by the State Travel Reimbursement Act.

SECTION 15. AMENDATORY 74 O.S. 1991, Section 840.16b, is amended to read as follows:

Section 840.16b A. Unless otherwise provided by the Oklahoma Constitution, language in law which authorizes the setting or fixing of compensation, pay or salary of state officers and employees shall not be construed to authorize any agency, board, commission, department, institution, bureau, executive officer or other entity of the executive branch of state government to award, grant, give, authorize, or promise any officer or employee of the State of Oklahoma a raise except as herein provided. The term "raise" includes, but is not limited to, increases in pay, wages and salaries, commonly known as "merit increases", "performance pay increases", "salary adjustments", and "step increases". Such raises are prohibited unless authorized by the Legislature and by Merit System of Personnel Administration Rules promulgated by the Administrator. This prohibition applies to all classified, unclassified and exempt officers and employees in the executive branch of state government, excluding institutions under the administrative authority of the State Regents for Higher Education.

B. However, nothing in this section shall be construed to prohibit the following actions if the action is made in good faith and not for the purpose of circumventing subsection A of this section, and if the appointing authority certifies that the action

can be implemented for the current fiscal year and the subsequent fiscal year without the need for additional funding to increase the personal services budget of the agency, and if the appointing authority clearly explains in the Agency Pay Plan filed in accordance with Section 23 of this act or in a separately filed plan how the agency will absorb within the personal services budget any increased costs for these actions in the current fiscal year and in the next fiscal year:

1. Salary advancements on promotion or direct reclassification to a job classification with a higher grade;
2. Salary adjustments resulting from a grade change for a class adopted by the Office of Personnel Management;
3. Increases in longevity payments pursuant to Section 805.2 of this title;
4. Payment of overtime, special entrance rates, pay differentials; or
5. Payment of wages, salaries, or rates of pay established and mandated by law.

C. Provided however, any reclassification for one of the purposes provided in subsection B of this section that would require additional funding by the Legislature shall not be implemented without approval of the Legislature.

SECTION 16. AMENDATORY 74 O.S. 1991, Section 840.22A, is amended to read as follows:

Section 840.22A A. The intent of the Legislature is to increase individual agency skill and accountability in managing the costs associated with personnel and in applying controls that will enhance the ability of the State of Oklahoma to manage the overall costs of human resources as efficiently as possible, while continuing to maintain fairness to employees.

B. All agencies, boards, and commissions shall report all reallocation decisions for both classified and unclassified positions and all adjustments to pay grades or salary assignments for classes in the unclassified service to the Office of Personnel Management on a quarterly basis. The Office of Personnel Management shall submit the quarterly reports to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, along with an analysis of statewide reallocation decisions.

C. All agencies, boards, and commissions shall report to the Office of Personnel Management on a quarterly basis all transactions in both the classified and unclassified service involving the establishment of new positions that have not been authorized specifically by legislative action. The Office of Personnel Management shall forward the quarterly reports to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives, accompanied by an analysis of agency decisions concerning such positions.

D. As a further control on human resource costs, the Governor may declare a financial emergency or implement a freeze in hiring, by declaring this section to be in effect. During such periods, no audits of classified positions or reallocation of unclassified positions shall be initiated or conducted at the request of an agency except at the direction of the Governor. The provisions of the Oklahoma Personnel Act relating to agency-requested audits may be suspended during such periods to the extent that they are in conflict with this section. Provided, an audit at the request of an employee who files a classification grievance shall be conducted during such periods in accordance with the provisions of Section 840.22 of this title.

E. The Office of Personnel Management shall establish due dates and specify the format for reports required by this section. Agencies that do not respond by the due dates shall be identified in

a special section of the quarterly analysis reports forwarded to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives.

F. The provisions of this section shall not be construed to suspend the responsibility of any agency to ensure that the duties and responsibilities assigned to an employee are consistent with the current classification of the employee.

SECTION 17. AMENDATORY 74 O.S. 1991, Section 841.9, is amended to read as follows:

Section 841.9 A. The Office of Personnel Management shall establish and adopt a uniform employee grievance procedure for permanent classified state employees. A copy of the grievance procedure plan shall be furnished and explained to each employee. No employee shall be disciplined or otherwise prejudiced in his employment for exercising his rights under the plan, and the use of the plan shall be encouraged in the resolution of grievances arising in the course of public employment. As used in this section, grievances may include, but are not necessarily limited to classification, reclassification, annual leave, sick leave, compensatory time, dismissal, service ratings, suspensions, promotions, and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure.

B. The grievance procedure established and adopted by the Office of Personnel Management shall contain the following minimum requirements:

1. Procedure requiring prompt resolution of the grievance and establishing time periods for each step of the procedure;
2. Provision for impartial review of the grievance; and
3. Procedure guaranteeing the employee the right to be represented by a person of his own choosing at each step of the procedure, except the initial informal discussion with his immediate supervisor.

C. Employees may only appeal a reduction-in-force action to the Oklahoma Merit Protection Commission on the basis of procedural errors in the application of the reduction-in-force plan of the employing agency, board, or commission.

SECTION 18. AMENDATORY 74 O.S. 1991, Section 841.16, is amended to read as follows:

Section 841.16 A. Each agency shall adopt and maintain a system of employee service ratings. The Office of Personnel Management shall make available a standard system for this purpose, but an appointing authority may develop a separate system, subject to approval of the Administrator of the Office of Personnel Management. The purpose of the system of employee service rating is to evaluate the performance of each regular classified, unclassified and exempt employee in the executive branch of state government except those in the exempt unclassified service as specified in paragraphs 1 and 2 of Section 840.8 of this title and those employees employed by the institutions under the administrative authority of The Oklahoma State System of Higher Education. The Administrator of the Office of Personnel Management, on or before January 1 of each year, shall submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor identifying those state agencies that have complied with the provisions of this section.

B. The system shall provide for the following:

1. An objective evaluation of the employee, by the immediate supervisor, of the performance of the employee within the assigned duties of the job;
2. The identification of the strengths and deficiencies of the employee;
3. Corrective actions, if necessary, to correct deficiencies;

4. An interview with the employee by the immediate supervisor who shall provide the employee with a copy of the service ratings; and

5. The opportunity for the employee to submit written comments regarding the service rating.

C. Each employee shall be rated thirty (30) days prior to the end of the probationary period. Thereafter, each employee shall be rated no less than once each year.

D. Any permanent classified employee who disagrees with his or her individual service rating may file a grievance pursuant to Section 841.9 of this title. Any employee, regardless of status, who is required to be rated pursuant to this section and who disagrees with his or her individual service rating may file a complaint through any other dispute resolution process made available through the employing agency or the Oklahoma Merit Protection Commission. The Oklahoma Merit Protection Commission shall not have jurisdiction to investigate or hear appeals of individual service ratings.

E. The agency shall use the service ratings of employees in decisions regarding promotions, demotions, performance pay increases and discharges. Reductions-in-force shall not be considered discharges.

F. The agency shall retain a copy of the service rating for each employee of the agency. A copy of the service rating shall be furnished to the Administrator of the Office of Personnel Management for review to determine compliance with the provisions of this section and shall be retained in the file on the employee.

SECTION 19. AMENDATORY 74 O.S. 1991, Section 3601, as last amended by Section 1 of Enrolled Senate Bill No. 727 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 3601. A. For purposes of Sections 3601 through 3603 of this title, the term employee means a full-time employee or any number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. The maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section during the fiscal year ending June 30, 1993, except as may be authorized pursuant to the provisions of Section 3603 of this title. The salary of the chief executive officer for each of the following agencies, boards, commissions, departments, or programs shall not exceed the amount specified, per annum, payable monthly, for the fiscal year ending June 30, 1993. Provided, however, effective December 1, 1992, the chief executive officer of any agency, board, commission, department or program listed in this section shall be awarded a pay increase of two and one-half percent (2.5%), notwithstanding any salary limitation provided in this section. Provided further, if a discretionary pay increase for all eligible employees of an agency, board, commission, department, or program listed in this section is awarded for Fiscal Year 1993, pursuant to Section 23 of this act, the salary of the chief executive officer for any such entity shall be increased two and one-half percent (2.5%) notwithstanding any salary limitation provided in this section for such salary.

MAXIMUM NUMBER OF SALARY FULL-TIME-EQUIVALENT EMPLOYEES	MAXIMUM ANNUAL FOR CHIEF EXECUTIVE OFFICER
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Board of Managers of the

State Insurance Fund	516	\$76,820.00
Oklahoma Employment Security Commission	1150	\$71,420.00
Public Accountancy Board	8	\$47,192.00
Board of Governors of Licensed Architects and Landscape Architects	4	\$35,420.00
Board of Chiropractic Examiners	2	\$25,000.00
Cosmetology Board	16	\$27,332.00
Board of Governors of Registered Dentists	5	\$31,232.00
Embalmers and Funeral Directors Board	5	\$29,170.00
Professional Engineers and Land Surveyors Board	7	\$35,036.00
Oklahoma State Board of Medical Licensure and Supervision	27	\$42,068.00
Oklahoma Motor Vehicle Commission	4	\$43,820.00
Oklahoma Board of Nurse Registration and Nursing Education	17	\$49,070.00
Nursing Homes Board	4	\$41,420.00
Optometry Board	1	
Board of Osteopathic Examiners	4	\$42,000.00
Oklahoma Peanut Commission	2	\$39,415.00
State Board of Pharmacy	8	\$51,420.00
Podiatry Board	1	
Psychologists Board	2	\$31,420.00
Real Estate Commission	26	\$43,420.00
Oklahoma Sheep and Wool Commission	1	
Speech Pathology and Audiology Board	1	\$17,390.00
Oklahoma Used Motor Vehicle and Parts Commission	10	\$39,620.00

Board of Veterinary Medical Examiners	5	\$27,500.00
Oklahoma Wheat Commission	7	\$43,820.00
Firefighters Pension and Retirement System	10	\$54,020.00
Police Pension and Retirement System	7	\$54,020.00
Oklahoma Teachers' Retirement System	40	\$61,820.00
Oklahoma Public Employees Retirement System	44	\$61,820.00
Student Loan Authority	45	\$86,420.00
Oklahoma Industrial Finance Authority	15	\$73,503.00
State and Education Employees Group Insurance Board	170	\$81,420.00

C. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Public Employees Retirement System Board of Trustees by law shall be set by the said Board of Trustees. All offices, positions and personnel of the Oklahoma Public Employees Retirement System shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act, Section 840.1 et seq. of this title, except for those offices, positions and personnel comprising the exempt unclassified service authorized in Sections 840.8 and 840.10 of this title; and except for one (1) other position.

D. Temporary employees of the Oklahoma Used Motor Vehicle and Parts Commission between the dates of November 1 and January 31 annually shall not be counted toward the maximum number of full-time-equivalent employees provided for in this section.

SECTION 20. AMENDATORY 47 O.S. 1991, Section 2-105.4, as amended by Section 1 of Enrolled House Bill No. 2205 of the 2nd Session of the 43rd Oklahoma Legislature, is amended to read as follows:

Section 2-105.4 A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, shall appoint assistants, deputies, officers, investigators and other employees as may be necessary to carry out the provisions of this title.

B. The Commissioner, subject to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes shall appoint a Chief of the Highway Patrol Division with the rank of Colonel, Assistant Chief of the Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees thereof, including Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen, who shall comprise the Oklahoma Highway Patrol Division.

C. Until July 1, 1993:

1. The annual salaries for the positions as set out shall be in accordance and conformity with the following salary schedule, exclusive of longevity and extra shift pay as authorized by law and exclusive of any pay increases awarded pursuant to subsection D of this section for Fiscal Year 1993:

Position	Step 1	Step 2	Step 3	Step 4	Step 5
Commissioner of Public Safety					
	\$61,620.00				
Assistant Commissioner of Public Safety					
	\$56,820.00				
Chief of the Highway Patrol Division					
	\$55,020.00				
Assistant Chief of the Highway Patrol Division					
	\$48,420.00				
Highway Patrol Majors					
	\$43,020.00				
Highway Patrol Captains					
	\$38,820.00				
Highway Patrol First Lieutenants					
	\$35,820.00				
Highway Patrol Supervisors					
	\$32,820.00				
Highway Patrolmen					
	\$23,220.00	\$25,020.00	\$26,820.00	\$28,620.00	\$30,420.00

2. The provisions of this section shall supersede all existing laws covering the salaries of the positions in the Oklahoma Highway Patrol Division. It is provided that the entrance salary of any highway patrolman shall be One Thousand Six Hundred Eighteen Dollars (\$1,618.00) per month, or Nineteen Thousand Four Hundred Twenty Dollars (\$19,420.00) per annum which salary shall be paid during Highway Patrol Academy Training. It is provided that the salary of any probationary highway patrolman shall be One Thousand Seven Hundred Twenty Dollars (\$1,720.00) per month, or Twenty Thousand Six Hundred Twenty Dollars (\$20,620.00) per annum as set out, which salary shall continue during the probationary period following employment, as provided for in subsection (b) of Section 2-105 of this title. Any employee of the Highway Patrol Division being paid according to the schedule set forth in this subsection who is promoted to another position contained in said schedule shall receive not less than the annual salary the employee was paid prior to the promotion, and not more than the next higher salary in the new classification, providing such increase shall not move the salary of the employee off the schedule for the position to which said employee is promoted. Thereafter, salaries will be based upon the schedule.

D. 1. Effective December 1, 1992, all persons occupying the positions provided for in paragraph 1 of subsection C of this section shall receive a two and one-half percent (2.5%) pay increase. During the period from January 1, 1993, to June 30, 1993, the Department of Public Safety may provide a discretionary two and one-half percent (2.5%) pay increase, in addition to the mandatory pay increase provided for in this subsection for all persons occupying the positions provided for in paragraph 1 of subsection C of this section, if the Department can comply with the provisions of subsection K of Section 23 of this act. If the provisions of subsection K of Section 23 of this act cannot be met, the Department shall not authorize the discretionary pay increase provided for in this subsection. However, such a discretionary increase may be instituted at any time during the period from January 1, 1993, to

June 30, 1993, that an agency can comply with subsection K of Section 23 of this act. If a discretionary pay increase is granted, all of the Department's classified and unclassified employees whose service ratings are subject to the provisions of the Oklahoma Personnel Act and who have received an overall rating of at least "satisfactory" or its equivalent, on a service rating conducted on or after July 1, 1991, in accordance with Section 841.16 of Title 74 of the Oklahoma Statutes, shall receive the discretionary increase.

2. In providing for the pay increases authorized in paragraph 1 of this subsection, the Department shall comply with the provisions of subsections H through R of Section 23 of this act and Section 24 of this act.

E. Effective July 1, 1993:

1. The annual salaries for the positions as set out shall be in accordance and conformity with the following salary schedule, exclusive of longevity and extra shift pay as authorized by law and exclusive of any pay increases awarded pursuant to subsection F of this section:

Commissioner of Public Safety
\$61,620.00

Assistant Commissioner of Public Safety
\$56,820.00

Chief of the Highway Patrol Division
\$55,020.00

Assistant Chief of the Highway Patrol Division
\$48,420.00

Highway Patrol Majors
\$43,020.00

Highway Patrol Captains
\$38,820.00

Highway Patrol First Lieutenants
\$35,820.00

Highway Patrol Supervisors
\$32,820.00

Highway Patrolman
Step 1 \$23,220.00
Step 2 \$23,800.00
Step 3 \$24,395.00
Step 4 \$25,005.00
Step 5 \$25,630.00
Step 6 \$26,271.00
Step 7 \$26,928.00
Step 8 \$27,601.00
Step 9 \$28,291.00
Step 10 \$28,998.00
Step 11 \$29,723.00
Step 12 \$30,466.00
Step 13 \$31,227.00

2. Any patrolman occupying the position of Highway Patrolman, Step 1 shall remain in the Step 1 classification; any patrolman occupying the position of Highway Patrolman, Step 2 shall be classified as Highway Patrolman, Step 5; any patrolman occupying the position of Highway Patrolman, Step 3 shall be classified as Highway Patrolman, Step 7; any patrolman occupying the position of Highway Patrolman, Step 4 shall be classified as Highway Patrolman, Step 10;

any patrolman occupying the position of Highway Patrolman, Step 5 shall be classified as Highway Patrolman, Step 12.

3. The provisions of this section shall supersede all existing laws covering the salaries of the positions in the Oklahoma Highway Patrol Division. It is provided that the entrance salary of any highway patrolman shall be One Thousand Six Hundred Eighteen Dollars (\$1,618.00) per month, or Nineteen Thousand Four Hundred Twenty Dollars (\$19,420.00) per annum which salary shall be paid during Highway Patrol Academy Training. It is provided that the salary of any probationary highway patrolman shall be One Thousand Seven Hundred Twenty Dollars (\$1,720.00) per month, or Twenty Thousand Six Hundred Twenty Dollars (\$20,620.00) per annum as set out, which salary shall continue during the probationary period following employment, as provided for in subsection (b) of Section 2-105 of this title. Any employee of the Highway Patrol Division being paid according to the schedule set forth in this subsection who is promoted to another position contained in said schedule shall receive not less than the annual salary the employee was paid prior to the promotion, and not more than the next higher salary in the new classification, providing such increase shall not move the salary of the employee off the schedule for the position to which said employee is promoted. Thereafter, salaries will be based upon the schedule.

F. Effective July 1, 1993, the annual salary of any person occupying a position listed in paragraph 1 of subsection E of this section shall be increased by the percentage or amount provided for salary increases for other employees of the Department of Public Safety for each year beginning with Fiscal Year 1994, if such employee salary increases are authorized by the Legislature.

SECTION 21. AMENDATORY 68 O.S. 1991, Section 102.1, is amended to read as follows:

Section 102.1 From and after the beginning date of a term of office which commences in, or after, January, 1989, the annual compensation, payable monthly, of the Chairman, Vice Chairman and Secretary-Member of the Oklahoma Tax Commission shall be as follows:

1. For the period commencing in January, 1989, and ending in December, 1990:

Chairman	\$62,922.00
Vice Chairman	\$61,798.00
Secretary-Member	\$61,798.00

2. For the period commencing in January, 1991, and ending in December, 1992:

Chairman	\$66,068.00
Vice Chairman	\$64,888.00
Secretary-Member	\$64,888.00

3. For the period commencing in January, 1993, and ending in December, 1994:

Chairman	\$69,371.00
Vice Chairman	\$68,132.00
Secretary-Member	\$68,132.00

4. For any period commencing on or after January, 1995, the annual compensation of a Commissioner shall be increased by the percentage or amount provided for salary increases for employees of the Oklahoma Tax Commission for each fiscal year beginning with Fiscal Year 1995, if such employee salary increases are authorized by the Legislature.

All such salaries shall be payable monthly out of monies available for expenditure for such purpose.

SECTION 22. AMENDATORY 74 O.S. 1991, Section 250.4-1, is amended to read as follows:

Section 250.4-1 A. Pursuant to the provisions of the Constitution of the State of Oklahoma, from and after the beginning date of a term of office which commences in, or after, January, 1991, the annual salary of the Secretary of State shall be Forty-two Thousand Five Hundred Dollars (\$42,500.00), payable monthly.

B. Pursuant to the provisions of the Constitution of the State of Oklahoma, from and after the beginning date of a term of office which commences in, or after, January, 1995, the annual salary of the Secretary of State shall be increased by the percentage or amount provided for salary increases for employees of the Office of Secretary of State for each year beginning with Fiscal Year 1995, if such employee salary increases are authorized by the Legislature.

SECTION 23. A. Effective December 1, 1992, all classified employees of the state who meet the eligibility requirements in subsection O of this section shall be awarded a one-step pay increase within their regular base salary grade range in accordance with the current Merit System of Personnel Administration Salary Schedule, notwithstanding any salary limitation provided in an agency's annual appropriation. If an employee's regular base salary before the increase is on step thirteen (13) of the grade range or is above the thirteenth (13th) step of the grade range, the employee shall receive the equivalent of a one-step increase.

B. Effective December 1, 1992, all unclassified employees of the state who are paid in accordance with the current Merit System of Personnel Administration Salary Schedule and who meet the eligibility requirements in subsection O of this section shall be awarded a one-step pay increase within their regular base salary grade range in accordance with said Salary Schedule, notwithstanding any salary limitation provided in an agency's annual appropriation. If an employee's regular base salary before the increase is on step thirteen (13) of the grade range or is above the thirteenth (13th) step of the grade range, the employee shall receive the equivalent of a one-step increase.

C. Effective December 1, 1992, all unclassified employees of the state who are not paid in accordance with the current Merit System of Personnel Administration Salary Schedule but who meet the eligibility requirements in subsection O of this section shall be awarded a two and one-half percent (2.5%) pay increase based on their annualized base salary, excluding longevity pay and any other differential pay and allowances, notwithstanding any salary limitation provided in an agency's annual appropriation.

D. During the period from January 1, 1993, to June 30, 1993, each agency may provide a one-step pay increase, in addition to the pay increase granted in subsection A of this section, within their regular base salary grade range in accordance with the current Merit System of Personnel Administration Salary Schedule for all classified employees of the state who meet the eligibility requirements in subsection O of this section, notwithstanding any salary limitation provided in an agency's annual appropriation. If the provisions of subsection K of this section cannot be met, an agency shall not authorize the salary increase provided for in this subsection for classified employees of the agency. However, such an increase may be instituted at any time during the period from January 1, 1993, to June 30, 1993, that an agency can comply with subsection K of this section. If an employee's regular base salary before the increase is on step thirteen (13) of the grade range or is above the thirteenth (13th) step of the grade range, the employee shall receive the equivalent of a one-step increase.

E. During the period from January 1, 1993, to June 30, 1993, each agency may provide a one-step pay increase, in addition to the pay increase granted in subsection B of this section, to

unclassified employees of the state who are paid in accordance with the current Merit System of Personnel Administration Salary Schedule and who meet the eligibility requirements in subsection O of this section, notwithstanding any salary limitation provided in an agency's annual appropriation. If the provisions of subsection K of this section cannot be met, an agency shall not authorize the salary increase provided for in this subsection for such unclassified employees. However, such an increase may be instituted at any time during the period from January 1, 1993, to June 30, 1993, that an agency can comply with subsection K of this section. If an employee's regular base salary before the increase is on step thirteen (13) of the grade range or is above the thirteenth (13th) step of the grade range, the employee shall receive the equivalent of a one-step increase.

F. During the period from January 1, 1993, to June 30, 1993, each agency may provide a two and one-half percent (2.5%) pay increase, in addition to the pay increase granted in subsection C of this section, based on their annualized base salary, excluding longevity pay and any other differential pay and allowances to unclassified employees of the state who are not paid in accordance with the current Merit System of Personnel Administration Salary Schedule and who meet the eligibility requirements in subsection O of this section, notwithstanding any salary limitation provided in an agency's annual appropriation. If the provisions of subsection K of this section cannot be met, an agency shall not authorize the salary increase provided for in this subsection for such unclassified employees. However, such an increase may be instituted at any time during the period from January 1, 1993, to June 30, 1993, that an agency can comply with subsection K of this section.

G. If a discretionary pay increase is granted for employees within an agency in accordance with this section, all of the agency's classified and unclassified employees whose service ratings are subject to the provisions of the Oklahoma Personnel Act and who have received an overall rating of at least "satisfactory", or its equivalent, on a service rating conducted on or after July 1, 1991, in accordance with Section 841.16 of Title 74 of the Oklahoma Statutes, shall receive the discretionary increase.

H. Each agency proposing to award a discretionary pay increase according to subsections D, E and F of this section shall be required to file an Agency Pay Plan with the Office of Personnel Management no later than sixty (60) days prior to the effective date of any salary increases provided for in this section. This plan shall indicate how the agency will provide increases in the salaries of its classified and unclassified employees.

I. Each agency's plan for the discretionary pay increase authorized in subsections D, E and F of this section is subject to the approval of the Office of State Finance and the Office of Personnel Management. Copies of each plan shall be submitted to the fiscal staffs of the House of Representatives and the Senate. Agency employees shall be ineligible to receive the discretionary pay increase as authorized in subsections D, E and F of this section before approval of the plan or before the effective date of the plan. J. The plan shall state what actions the agency must take to achieve the plan, what positions shall be left vacant, what programmatic changes are to be made, how services provided by the agency will be affected, and other relevant information.

K. Fiscal Year 1993 personal services expenditures for each agency shall not exceed the Fiscal Year 1993 personal services budget limit as calculated by the Office of State Finance. In calculating the Fiscal Year 1993 personal services budget limit, the Office of State Finance shall use the Fiscal Year 1992 personal services budget as the base and may make adjustments as necessary including but not limited to consideration of the following: new

FTE added by the Legislature; the estimated Fiscal Year 1993 increase in longevity payments for employees employed by the agency on June 30, 1992; the estimated increased Fiscal Year 1993 cost attributed to increases in the FICA tax base and the unemployment tax base; adjustments made by the Legislature to the agency personal services budget. The plan shall include a statement by the agency director that the Fiscal Year 1993 personal services budget limit will not be exceeded. To calculate the Fiscal Year 1994 personal services budget limit referred to in subsection L of this section, the Office of State Finance will follow a similar procedure.

L. The mandatory pay increase, and the discretionary pay increase if it is to be awarded, shall be implemented without increasing the personal services budgets for Fiscal Year 1993 or Fiscal Year 1994 above the amount calculated in subsection K of this section.

M. Pay increases awarded in accordance with this section shall become part of the employee's base salary.

N. No employee shall be granted more than two (2) steps or five percent (5%) increase in pay pursuant to this section during the fiscal year ending June 30, 1993. No pay increase shall become effective on or after an employee's last day on duty.

O. The purpose of this subsection is to establish eligibility requirements for classified and unclassified employees to receive a pay increase under this section.

1. The following officers and employees are ineligible for a pay increase pursuant to this section and nothing in this section shall be construed to authorize any increase or advancement in the salaries of:

- a. state officers and employees whose salaries are set by law, except as provided in this act, or
- b. persons on temporary, student, internship or other limited-term appointments, or
- c. persons employed pursuant to Section 10 of this act, persons employed pursuant to paragraph 12 of Section 840.8 of Title 74 of the Oklahoma Statutes, or persons employed pursuant to Sections 1806.1 and 1825 of Title 74 of the Oklahoma Statutes, or
- d. officers and employees of institutions under the administrative authority of the State Regents for Higher Education.

2. To be eligible for a mandatory or discretionary pay increase pursuant to this section, classified employees must be in permanent status with the agency and unclassified employees must be in regular status with at least six (6) months continuous service, i.e., not on a temporary or any other limited-term appointment; and

3. To be eligible for a discretionary pay increase pursuant to this section, classified and unclassified employees whose service ratings are subject to the provisions of the Oklahoma Personnel Act must have received an overall rating of at least "satisfactory", or its equivalent, on a service rating conducted on or after July 1, 1991, in accordance with Section 841.16 of Title 74 of the Oklahoma Statutes.

P. The budgetary limitation for payroll, salaries and wages established in the annual appropriation for the agency shall be adjusted to include any pay raises granted pursuant to the provisions of this act.

Q. Any agency granting a discretionary pay increase pursuant to this section may provide that the increase may be retroactive to July 1, 1992, if the agency can comply with the provisions of subsection K of this section.

R. Any agency, in order to grant any pay increase pursuant to this act, shall not implement a reduction-in-force to off-set the cost of such pay increase.

SECTION 24. The provisions of this section shall be applicable to merit and nonmerit agencies. Unless otherwise provided by law, personal services expenditures during Fiscal Year 1993 for reclassifications, reallocations, grade changes of existing classes, creation of new classes, and other personnel actions must not exceed the Fiscal Year 1993 personal services budget limit as calculated in subsection K of Section 23 of this act.

SECTION 25. As used in Sections 23 and 24 of this act, "agency" shall have the meaning provided in the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, and "employee" means any state employee as defined in the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes and any employee of a county health department, a county election board or a soil conservation district, except those entities and personnel specifically excluded from eligibility for any increase or advancement in salary, pursuant to subsection O of Section 23 of this act.

SECTION 26. Effective December 1, 1992, the chief executive officer for any agency, as defined in the Oklahoma Personnel Act, that is not listed in Section 3601 of Title 74 of the Oklahoma Statutes and any other employee whose salary is set by law, shall be awarded a pay increase of two and one-half percent (2.5%), notwithstanding any salary limitation provided in the annual appropriation for the agency. If a discretionary pay increase for all eligible employees of an agency, as defined in the Oklahoma Personnel Act, that is not listed in Section 3601 of Title 74 of the Oklahoma Statutes, is awarded for Fiscal Year 1993, pursuant to Section 23 of this act, the salary of the chief executive officer and any other employee whose salary is set by law for any such entity shall be increased two and one-half percent (2.5%) notwithstanding any salary limitation for such salary provided in the annual appropriation for the agency.

SECTION 27. The Supreme Court is hereby authorized to expend funds from the State Judicial Fund for salary increases authorized by Section 23 of this act for the judges of the district courts and their employees who are compensated by the state, as long as a balance of at least Two Million Dollars (\$2,000,000.00) is maintained in the State Judicial Fund.

SECTION 28. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 841.6A of Title 74, unless there is created a duplication in numbering, reads as follows:

State employee home addresses, state employee home telephone numbers, and state employee social security numbers shall not be open to public inspection or disclosure.

SECTION 29. REPEALER 74 O.S. 1991, Section 840.8 (Section 18, Chapter 291, O.S.L. 1991), is hereby repealed.

SECTION 30. Sections 23, 24, 25, 26 and 27 of this act shall not be codified in the Oklahoma Statutes.

SECTION 31. Sections 1 through 27 and Sections 29 and 30 of this act shall become effective July 1, 1992.

SECTION 32. 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.

