

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 708

BY: STIPE

AS INTRODUCED

AN ACT RELATING TO THE OKLAHOMA STATE EMPLOYEE BILL OF RIGHTS; AMENDING 74 O.S. 841.7, WHICH RELATES TO DISCUSSIONS OF AGENCY OPERATIONS BETWEEN EMPLOYEES AND OTHERS; PROHIBITING SUPERVISORS FROM DENYING EMPLOYEES FROM OFFERING OR PROVIDING INFORMATION ABOUT CERTAIN CLAIMS OF WRONGDOING BY A STATE AGENCY; AUTHORIZING THE OKLAHOMA MERIT PROTECTION COMMISSION TO PROMULGATE RULES INFORMING EMPLOYEES OF CERTAIN RIGHTS; AUTHORIZING EMPLOYEES OR FORMER EMPLOYEES AGGRIEVED DURING THEIR EMPLOYMENT TO APPEAL TO THE OKLAHOMA MERIT PROTECTION COMMISSION FOR CORRECTIVE ACTION; REQUIRING COMMISSION TO CONDUCT INVESTIGATION; UPON CERTAIN DETERMINATION OF VIOLATION OF ACT THE COMMISSION MUST TAKE CERTAIN ACTIONS WITHIN THIRTY DAYS; REMOVING CERTAIN PENALTY AGAINST SUPERVISOR OR APPOINTING AUTHORITY WHO VIOLATES THE ACT; ALLOWING THE FINAL DECISION OF THE COMMISSION TO BE APPEALED PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT; 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 No supervisor or appointing authority of any state agency shall prohibit employees of such agency, whether subject to the provisions of the Merit System or in unclassified service, from ~~discussing the operations of the agency, either specifically or generally with~~ offering to provide or from providing information or communicating to others any substantiated claim of wrongdoing by or within a state agency.

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~~ under this section. Said rules ~~and regulations~~ shall provide for the prominent posting of a statement of such 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, 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.

Any employee or any former employee aggrieved pursuant to this section during his or her employment may ~~file a written request~~ appeal to the Oklahoma Merit Protection Commission for corrective action within thirty (30) days of the alleged disciplinary action ~~for a hearing by the Oklahoma Merit Protection Commission.~~ If, after conducting an investigation as provided for in Section 841.15 of this title, the Executive Director determines that a violation of

this act may have occurred, ~~The~~ the Commission shall set such matters down for hearing within thirty (30) days ~~after the filing of a request for review.~~

~~Any supervisor or appointing authority of any state agency, whether subject to the provisions of the Merit System of Personnel Administration or in unclassified service, 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) years.~~ The final decision of the Commission in such cases may be appealed by any party pursuant to ~~the~~ Article II of the Administrative Procedures Act, Sections ~~301~~ 309 through 326 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.

43-2-1715

MJM