

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 984

BY: TAYLOR and HANEY of the
SENATE

and

HAMILTON (JAMES) and
STEIDLEY of the HOUSE

AS INTRODUCED

AN ACT RELATING TO STATE EMPLOYEES; AMENDING 26 O.S.

1991, SECTION 2-118, 47 O.S. 1991, SECTION 2-105.4,

AND 74 O.S. 1991, SECTIONS 840.7a AND 1332;

PROVIDING REQUIREMENTS FOR CERTAIN TRANSFERRED

EMPLOYEES AND RETAINING CERTAIN RIGHTS; AUTHORIZING

THE WATER RESOURCES BOARD TO FILL CERTAIN FULL-

TIME-EQUIVALENT POSITIONS UPON RECEIPT OF CERTAIN

FEDERAL FUNDING; MODIFYING THE STATE DEPARTMENT OF

EDUCATION FULL-TIME-EQUIVALENT EMPLOYEES AND

STATING PURPOSES FOR CERTAIN ALLOCATED FUNDS;

MODIFYING SALARIES OF CERTAIN SECRETARIES OF COUNTY

ELECTION BOARDS; CLARIFYING LANGUAGE WHICH RELATES

TO SALARIES OF CERTAIN POSITIONS WITHIN THE

DEPARTMENT OF PUBLIC SAFETY; MODIFYING CERTAIN

SALARIES FOR POSITIONS WITHIN THE DEPARTMENT OF

PUBLIC SAFETY; MODIFYING STATE LEAVE BENEFITS;

DELETING LIMITATION ON SICK LEAVE BENEFITS;

MODIFYING THE STATE AND EDUCATION EMPLOYEES GROUP

INSURANCE PLAN REVOLVING FUND; EXPANDING USES OF

THE REVOLVING FUND; MODIFYING THE STATE EMPLOYEES

DISABILITY PROGRAM; ADDING REQUIREMENT TO USE

CERTAIN LEAVE BEFORE RECEIVING BENEFITS FROM THE
DISABILITY PROGRAM; MODIFYING CERTAIN LIMITATIONS
CONCERNING STATE EMPLOYEES; MODIFYING SALARY AND
FULL-TIME-EQUIVALENT EMPLOYEES LIMITATIONS; AND
DECLARING AN EMERGENCY.

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

SECTION 1. Any employee transferred from the Office of Personnel Management to the State Education Employees Group Insurance Board in accordance with the Flexible Benefits Program, pursuant to Section 1344 of Title 74 of the Oklahoma Statutes, shall retain all merit system rights and shall be transferred at present salaries with all accrued annual and sick leave benefits.

SECTION 2. Any employee transferred from the Corporation Commission to the Office of Public Affairs in accordance with the Oklahoma Alternative Fuels Conversion Act shall retain all merit system rights and shall be transferred at present salaries with all accrued annual and sick leave benefits.

SECTION 3. It is the intent of the Legislature that of the one hundred six (106.0) full-time-equivalent employee positions authorized to the Water Resources Board, two (2) full-time-equivalent employee positions shall be filled contingent upon receipt of sufficient federal funding or fee revenue from the National Pollutant Discharge Elimination System permit program.

SECTION 4. In addition to the 560 full-time-equivalent employees allocated to the State Department of Education in Section 49 of Enrolled House Bill No. 1236 of the 1st Session of the 43rd Oklahoma Legislature, there is hereby allocated one (1) additional full-time-equivalent employee to be designated as a literacy coordinator.

Of the funds allocated in Section 119, Chapter 329, O.S.L. 1991, for the purpose of Administrative and Support Functions of the State Department of Education, Fifty Thousand Dollars (\$50,000.00) shall be used for the support of the literacy coordinator and program activities.

SECTION 5. AMENDATORY 26 O.S. 1991, Section 2-118, is amended to read as follows:

Section 2-118. The secretary of each county election board shall be paid an annual salary according to the following schedule; provided, however, that the salary of a county election board secretary shall not fall below the level of the June 30, 1991 salary, regardless of the number of registered voters, excluding inactive, in the county:

Registered Voters	Salary
0 to 5,000	\$ 7,704.00
5,001 to 10,000	10,804.00
10,001 to 15,000	13,891.00
15,001 to 17,500	16,978.00
17,501 to 25,000	20,077.00
25,001 to 50,000	25,647.00
50,001 or more <u>to 75,000</u>	34,303.00
<u>75,001 to 150,000</u>	<u>39,303.00</u>
<u>150,001 or more</u>	<u>44,303.00</u>

The salary and fringe benefits paid to each secretary shall be paid from county funds on a monthly basis and shall be reimbursed from funds appropriated by the Legislature for that purpose at a rate of not to exceed one hundred twenty-five percent (125%) of the above-specified salaries. Claims for said reimbursement shall be filed according to procedures prescribed by the Secretary of the State Election Board and approved by the Director of State Finance. Said claims for reimbursement shall only be paid for actual expenditures made by the county. The number of registered voters,

for the purposes of this section, shall be determined by the number of registered voters, excluding inactive voters, in the county on January 1, 1979, and every two (2) years thereafter.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 2-105.4, 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 an Assistant Commissioner, whose salary shall not exceed the listed salary in the following salary schedule, per annum, payable monthly, and such other deputies, subordinates, officers, investigators and other employees as may be necessary to carry out the provisions of this act.

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. The annual salaries for the positions hereinbefore set out shall be in accordance and conformity with the following salary schedule, exclusive of longevity and extra shift pay as authorized by law:

Position	Step 1	Step 2	Step 3	Step 4	Step 5
Commissioner of Public Safety	\$61,200.00	<u>\$61,620.00</u>			
Assistant Commissioner of Public Safety	\$56,400.00	<u>\$56,820.00</u>			
Chief of the Highway Patrol Division	\$54,600.00	<u>\$55,020.00</u>			
Assistant Chief of the Highway Patrol Division					

~~\$48,000.00~~ \$48,420.00

Highway Patrol Majors

~~\$42,600.00~~ \$43,020.00

Highway Patrol Captains

~~\$38,400.00~~ \$38,820.00

Highway Patrol First Lieutenants

~~\$35,400.00~~ \$35,820.00

Highway Patrol Supervisors

~~\$32,400.00~~ \$32,820.00

Highway Patrolmen

~~\$22,800.00~~ ~~\$24,600.00~~ ~~\$26,400.00~~ ~~\$28,200.00~~ ~~\$30,000.00~~

\$23,220.00 \$25,020.00 \$26,820.00 \$28,620.00 \$30,420.00

The provisions of this act shall supercede 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 Five Hundred Eighty-three Dollars (\$1,583.00)~~ One Thousand Six Hundred Eighteen Dollars (\$1,618.00) per month, or ~~Nineteen Thousand Dollars (\$19,000.00)~~ 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 Six Hundred Eighty-three Dollars (\$1,683.00)~~ One Thousand Seven Hundred Twenty Dollars (\$1,720.00) per month, or ~~Twenty Thousand Two Hundred Dollars (\$20,200.00)~~ 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 subsection C of this section 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.

SECTION 7. 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	
	Years of Annual Services Leave	Sick Leave	Annual— Sick Leave	Leave
Persons employed	0-5 yrs = 15 day/yr	15 days	30 days	130
	5-20 yrs = 18 day/yr	per year	60 days	days
	over 20 yrs = 20 day/yr		60 days	

All accrued annual ~~and sick~~ leave and all leave eligibility under Merit System ~~Rules~~ Rule 6.2.5 ~~and 6.3.15~~ which is in

excess of ~~these~~ 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 8. 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 9. 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.

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