

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1462

By: Steidley

COMMITTEE SUBSTITUTE

An Act relating to state government; providing for state government personnel; providing for rules; providing for the exempt unclassified service; providing for discretionary unclassified service; providing for additional classified service; requiring a study; establishing a senior executive service; placing certain positions within the unclassified service; providing for minimum annual salaries; providing for a pay structure; amending 62 O.S. 1991, Section 7.11, which relates to the Merit System of Personnel Administration Salary Schedule; eliminating requirement that each grade have thirteen salary steps; repealing 74 O.S. 1991, Sections 840.8, as amended by Section 21, Chapter 373, O.S.L. 1992 and 840.10 (74 O.S. Supp. 1992, Section 840.8), which relate to the unclassified service; providing for codification; providing an effective date; and declaring an emergency.

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 840.8d of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Office of Personnel Management shall adopt and implement rules necessary for the administration and monitoring of personnel transactions of the offices, positions and personnel that comprise the exempt unclassified service.

B. Appointed personnel in the exempt unclassified service shall serve at the pleasure of the appointing authority. No appointing authority shall convey any right or expectation of continued employment to exempt unclassified service personnel. The appointing authority may separate an exempt unclassified service employee at any time with or without cause. No provision of this act shall be construed as granting any property interest in employment to any exempt unclassified service employee. The

provisions of this subsection shall apply only to officers and employees of the executive branch of state government.

C. The following offices, positions and personnel shall be in the exempt unclassified service:

1. Persons chosen by popular vote or appointment to fill an elective office;

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

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

4. All officers and employees of institutions within The Oklahoma State System of Higher Education and the State Department of Vocational and Technical Education;

5. Election officials and employees;

6. Employees of the State Senate and House of Representatives; and

7. Employees of the Governor and Lieutenant Governor.

D. Exempt unclassified service personnel on limited term appointments. An appointing authority may appoint time-limited unclassified service personnel in the following categories. Such personnel shall not be placed under the Merit System by Executive Order:

1. Persons in federally funded employment training programs to help them become self-supporting;

2. Persons employed with one-time, limited-duration, federal grant funding that is not continuing. The length of the unclassified service employment shall not exceed the period of time for which the specific federal funding is provided;

3. Employees employed to work less than one thousand (1,000) hours in any twelve-month period;

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

5. Persons employed to make or conduct a temporary and special inquiry, investigation or examination on behalf of the Legislature, a legislative committee, or by authority of the Governor. Such appointments and authorization shall be terminated

on the first day of the legislative session immediately following appointment, if not terminated earlier. However, nothing in this section shall prevent the reauthorization and reappointment of any person.

E. Discretionary unclassified service offices, positions, and personnel. The unclassified service of the state may include, at the discretion of the appointing authority, the following regular offices, positions and personnel. Persons employed under this subsection may not be placed under the Merit System by Executive Order:

1. Licensed medical doctors, osteopathic physicians, dentists, and psychologists;
2. Certified public accountants;
3. Licensed attorneys; and
4. Licensed veterinarians.

F. Additional unclassified service positions. The Administrator, upon an appointing authority's request, may exempt unclassified service positions for an agency, if there are compelling reasons for exemption for the Merit System. Nothing in this section shall be construed as authorizing the removal of any employee from the Merit System.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.8e of Title 74, unless there is created a duplication in numbering, reads as follows:

The Administrator shall conduct a study of the positions in state government which are in the unclassified service to determine which should be assigned to the senior executive service or to the unclassified service. Among the criteria that the Administrator shall utilize in formulating the report's recommendations is the mission of the agency and the degree of accountability and professional, technical, and administrative skills that the agency requires of its employees to accomplish its mission. The Administrator shall submit the report to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate by January 1, 1994.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.8f of Title 74, unless there is created a duplication in numbering, reads as follows:

A. It is the purpose of this section to establish a Senior Executive Service to ensure that the executive management of the government of Oklahoma is responsive to the needs, policies and goals of the state and otherwise is of the highest quality.

1. The Office of Personnel Management shall adopt rules, policies and procedures, outlining the creation of the state Senior Executive Service.

2. The Senior Executive Service shall include permanent Merit System employees who voluntarily accept appointment to serve in management positions in the exempt unclassified service of the executive branch of state government. Employees who accept appointment to a position in the Senior Executive Service serves in that position at the pleasure of the appointing authority. The appointing authority may remove an employee from a position in the Senior Executive Service with or without cause.

3. Selection of employees for appointment to the Senior Executive Service is at the discretion of the appointing authority who shall consider his or her affirmative action plan.

4. Any permanent Merit System employee, upon leaving a Senior Executive Service position in an agency, shall, instead of separation, have a right to revert to the merit system within that agency at a salary not less than the salary earned immediately before entering the Senior Executive Service.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.8g of Title 74, unless there is created a duplication in numbering, reads as follows:

A. On the effective date a position is placed under the Senior Executive Service by Executive Order or legislation, any regular unclassified employee occupying the position shall be given status in the Senior Executive Service. Persons who are on temporary or other limited term appointments shall not be given status in the Senior Executive Service according to this section.

B. 1. Unclassified employees who have been continuously employed by the agency for at least one year shall be given permanent status with the agency. Other unclassified employees of the agency shall be given probationary status.

2. Employees shall be given status in the class to which the position they occupy is assigned by the Office of Personnel Management without regard to qualifications or examinations and with no reduction in basic compensation.

3. Persons appointed to fill vacancies in the state service of any agency shall achieve probationary and permanent status in the career service only in accordance with Senior Executive Service System Rules.

C. The Administrator shall adopt Senior Executive Service System Rules that are necessary to implement the provisions of this section.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.8h of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Effective July 1, 1994, all positions and employees of the executive branch of state government, unless otherwise provided by law, shall become subject to the provisions of the Merit System of Personnel Administration. All incumbent employees subject to this section shall be classified without regard to status or examinations and with no reduction in salary. Such employee shall be granted permanent status in the class of positions to which the position occupied by the employee is allocated by the Office of Personnel Management.

B. The Department of Human Services employees hired or placed in the unclassified service under the Oklahoma Constitution, Article XXV, Section 4, shall be placed under the Merit System in compliance with the provisions of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.8i of Title 74, unless there is created a duplication in numbering, reads as follows:

Except as otherwise provided by law, any full-time state employee, excluding members of boards and commissions,

institutions within The Oklahoma State System of Higher Education, and elected officials shall receive a minimum annual salary of Twelve Thousand Four Hundred Eighty-three Dollars (\$12,483.00).

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.8j of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The State of Oklahoma, to recruit, retain, and motivate a quality workforce for the purpose of providing quality services to the citizens of Oklahoma, shall provide a pay structure based on internal equity and external competitiveness balanced with the state's ability to pay. To this end, the state's goal shall be to provide a flexible and adaptable state employee pay system based on the market data found in relevant public and private sector markets.

B. 1. The Administrator shall develop and publish salary schedules as appropriate to meet the needs of agencies. Each schedule shall reflect the minimum and maximum salaries for each grade listed.

2. The Administrator shall establish and maintain a salary administration and pay system applicable to all classes of positions in the Senior Executive Service System.

3. The Administrator shall design a compensation system for all other state employees. The system may include but shall not be limited to:

- a. entrance rates above the minimum,
- b. pay differentials, including on-call pay, shift pay, hazardous duty pay, and competitive area pay,
- c. salaries on reclassifications, promotions, demotions, and detail to special duty, and
- d. lead worker pay and coordinator pay.

4. After public hearing, the Administrator may assign and reassign pay grades to classes of positions. Assignment of grades shall not be subject to the provisions of the Administrative Procedures Act.

SECTION 8. AMENDATORY 62 O.S. 1991, Section 7.11, is amended to read as follows:

Section 7.11 ~~A.~~ The Office of Personnel Management is directed to develop and publish a Merit System of Personnel Administration Salary Schedule, to be effective July 1, 1991. The following schedule reflects the minimum and maximum salary in the grade indicated.

<u>GRADE</u>	<u>ANNUAL WAGE</u>	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
1	\$ 8,791.00	\$10,970.00
2	8,955.00	11,175.00
3	9,122.00	11,383.00
4	9,292.00	11,595.00
5	9,465.00	11,811.00
6	9,641.00	12,031.00
7	9,820.00	12,255.00
8	10,003.00	12,483.00
9	10,190.00	12,715.00
10	10,379.00	12,952.00
11	10,573.00	13,194.00
12	10,770.00	13,439.00
13	10,970.00	13,690.00
14	11,175.00	13,945.00
15	11,383.00	14,204.00
16	11,595.00	14,469.00
17	11,811.00	14,738.00
18	12,031.00	15,013.00
19	12,255.00	15,292.00
20	12,483.00	15,628.00
21	12,715.00	15,965.00
22	12,952.00	16,319.00
23	13,194.00	16,672.00
24	13,439.00	17,044.00
25	13,690.00	17,415.00
26	13,945.00	17,805.00
27	14,204.00	18,195.00
28	14,469.00	18,604.00
29	14,738.00	19,014.00

30	15,013.00	19,443.00
31	15,292.00	19,873.00
32	15,628.00	20,325.00
33	15,965.00	20,776.00
34	16,319.00	21,249.00
35	16,672.00	21,723.00
36	17,044.00	22,221.00
37	17,415.00	22,718.00
38	17,805.00	23,241.00
39	18,195.00	23,763.00
40	18,604.00	24,312.00
41	19,014.00	24,861.00
42	19,443.00	25,436.00
43	19,873.00	26,013.00
44	20,325.00	26,617.00
45	20,776.00	27,223.00
46	21,249.00	27,858.00
47	21,723.00	28,493.00
48	22,221.00	29,159.00
49	22,718.00	29,827.00
50	23,241.00	30,526.00
51	23,763.00	31,226.00
52	24,312.00	31,962.00
53	24,861.00	32,697.00
54	25,436.00	33,468.00
55	26,013.00	34,240.00
56	26,617.00	35,036.00
57	27,223.00	35,831.00
58	27,858.00	36,666.00
59	28,493.00	37,502.00
60	29,159.00	38,379.00
61	29,827.00	39,256.00
62	30,526.00	40,177.00
63	31,226.00	41,097.00
64	31,962.00	42,065.00
65	32,697.00	43,032.00

66	33,468.00	44,047.00
67	34,240.00	45,062.00
68	35,036.00	46,128.00
69	35,831.00	47,194.00
70	36,666.00	48,314.00
71	37,502.00	49,433.00
72	38,379.00	50,609.00
73	39,256.00	51,784.00
74	40,177.00	53,018.00
75	41,097.00	54,252.00
76	42,065.00	55,547.00
77	43,032.00	56,844.00
78	44,047.00	58,204.00
79	45,062.00	59,565.00
80	46,128.00	60,993.00
81	47,194.00	62,422.00
82	48,314.00	63,922.00
83	49,433.00	65,422.00
84	50,609.00	66,997.00
85	51,784.00	68,572.00
86	53,018.00	70,226.00
87	54,252.00	71,880.00
88	55,547.00	73,616.00
89	56,844.00	75,352.00
90	58,204.00	77,176.00
91	59,565.00	79,000.00
92	60,993.00	80,914.00
93	62,422.00	82,828.00
94	63,922.00	84,838.00
95	65,422.00	86,849.00
96	66,997.00	88,959.00
97	68,572.00	91,070.00
98	70,226.00	93,286.00
99	71,880.00	95,503.00
100	73,616.00	97,829.00

~~B. Each grade shall have thirteen (13) salary steps.~~

SECTION 9. REPEALER 74 O.S. 1991, Sections 840.8, as amended by Section 21, Chapter 373, O.S.L. 1992 and 840.10 (74 O.S. Supp. 1992, Section 840.8), are hereby repealed.

SECTION 10. This act shall become effective July 1, 1993.

SECTION 11. 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.

44-1-6600

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