

ENROLLED HOUSE
BILL NO. 1005

By: Hamilton (James) of the
House

and

Taylor of the Senate

An Act relating to state government personnel; amending 47 O.S. 1991, Section 2-105.4, as last amended by Section 20, Chapter 367, O.S.L. 1992 (47 O.S. Supp. 1992, Section 2-105.4), which relates to personnel of the Department of Public Safety; modifying transitional provisions for certain salary schedule; stating purpose and legislative intent; restricting effect of salary schedule assignment; amending Section 23, Chapter 367, O.S.L. 1992, which relates to pay increases; modifying list of ineligible employees; providing that certain employees receive certain pay increases; providing for certain lump-sum payments; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-105.4, as last amended by Section 20, Chapter 367, O.S.L. 1992 (47 O.S. Supp. 1992, 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 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
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Commissioner of Public Safety					
	\$61,620.00				

Assistant Commissioner of Public Safety					
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\$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, Chapter 367, O.S.L. 1992, as amended by Section 2 of this act, and Section 24 of this act, Chapter 367, O.S.L. 1992.~~

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 except as provided by paragraph 2 of this subsection, 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~~ On July 1, 1993, all highway patrolmen shall be assigned to the salary schedule as provided for in paragraph 1 of this subsection to the step nearest the salary the patrolman was earning June 30, 1993. The sole purpose of this paragraph is to assign each highway patrolman to a step in conformity with paragraph 1 of this subsection. It is not the intent of this paragraph to modify in any way the salary a patrolman was earning June 30, 1993. Therefore, the annual salary of the patrolman shall not be changed as a result of the new salary schedule and if the salary of the patrolman as of June 30, 1993 does not correspond to one of the new steps, the salary shall remain off step.

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 2. AMENDATORY Section 23, Chapter 367, O.S.L. 1992, is amended to read as follows:

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~~ Section 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 3. Employees of the Division of Lodges of the Oklahoma Tourism and Recreation Department, employed pursuant to Section 1825 of Title 74 of the Oklahoma Statutes, shall receive the salary increases provided for in Section 23, Chapter 367, O.S.L. 1992. The employees shall receive a lump-sum payment for those months beginning December 1, 1992, in the case of the mandatory pay increase, and beginning January 1, 1993, in the case of the

discretionary pay increase, if granted, through the month in which this act becomes effective, for which the employees did not receive the increase provided for in Section 23, Chapter 367, O.S.L. 1992.

SECTION 4. Sections 2 and 3 of this act shall not be codified in the Oklahoma Statutes.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 13th day of May, 1993.

Speaker of the House of
Representatives

Passed the Senate the 17th day of May, 1993.

President of the Senate