

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2331

By: Steidley

AS INTRODUCED

An Act relating to state government personnel;  
amending 56 O.S. 1991, Section 26.17, which relates  
to the Human Services Commission and the Department  
of Human Services; placing certain positions and  
personnel of the Department of Human Services in  
the classified service on certain dates; providing  
exceptions; authorizing the Director of Human  
Services to permit certain employees to remain in  
the unclassified service; authorizing the placement  
of percentage of full-time-equivalent employees in  
the unclassified service; authorizing the  
Department of Human Services to employ certain  
persons in probationary status; clarifying  
references; placing certain positions of the  
Oklahoma Highway Safety Office, formerly the  
Highway Safety Coordinating Committee, in the  
classified service; providing an exception; placing  
employees of the Oklahoma Aeronautics Commission in  
the classified service in permanent status;  
amending 74 O.S. 1991, Section 840.8, as last  
amended by Section 2, Chapter 333, O.S.L. 1993 (74  
O.S. Supp. 1993, Section 840.8), which relates to  
the unclassified service; deleting obsolete  
language; providing exceptions to certain

unclassified category; placing certain positions in the unclassified service; amending 74 O.S. 1991, Section 840.16, which relates to salary schedule; requiring a pay structure; stating goal; requiring the Administrator of the Office of Personnel Management to develop and publish salary schedules; providing certain requirements for salary schedules; requiring the Administrator to develop a compensation system for classified employees; providing minimum requirements for system; 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 steps; encouraging use of flextime; defining term; providing for technical assistance and standards; amending 61 O.S. 1991, Section 3, which relates to statutory work day; modifying scope of law; providing for work in excess of eight hours per day in certain circumstances; providing for overtime compensation in accordance with the Fair Labor Standards Act and regulations relating thereto; amending 74 O.S. 1991, Section 841.20, which relates to leave to attend meetings of job-related professional organizations; modifying definition of job-related organization for certain purposes; establishing the Employee Assistance Program; stating purpose; authorizing certain additional services; authorizing agency assistance programs; making participation voluntary; stating scope of disciplinary actions; keeping certain records segregated and confidential; providing certain right of access; establishing the Employee

Assistance Program; stating purpose; creating the Employee Assistance Program Advisory Council; stating duties, composition and terms of office; providing for vacancies; providing for selection of a chairman and vice-chairman; designating a quorum; providing for travel reimbursement; providing that Council shall not have rulemaking authority; authorizing the Legislature and judiciary to use certain services; amending 74 O.S. 1991, Sections 841.2, 841.3, as amended by Section 5, Chapter 367, O.S.L. 1992, 841.9, as amended by Section 17, Chapter 367, O.S.L. 1992 and 841.18 and Section 7, Chapter 367, O.S.L. 1992 (74 O.S. Supp. 1993, Sections 841.3, 841.9 and 841.13C), which relate to the Merit Protection Commission; authorizing the employment and compensation of an attorney and administrative law judges; placing employees of the Commission in the classified service, with exceptions; modifying duties and powers of the Commission; making certain emergency rules effective until a certain date; clarifying terminology relating to certain personnel; modifying grievance procedures; authorizing agencies to adopt other procedures; providing requirements relating to internal grievance procedures; requiring the Commission to promulgate rules; requiring appointing authorities of classified agencies to designate employees to receive and process internal grievances; requiring certain training; providing for certification; requiring appointing authorities to establish written policies and procedures related to

progressive discipline; defining term; stating supervisor responsibility; requiring the Commission to promulgate rules; modifying scope of subpoena power; allowing designees to administer oaths; amending 62 O.S. 1991, Section 7.10, as amended by Section 1, Chapter 142, O.S.L. 1992 (62 O.S. Supp. 1993, Section 7.10), which relates to voluntary benefit deductions; authorizing benefit deduction for certain fees for retired members of any state-supported retirement system, upon proper authorization; amending Section 12, Chapter 367, O.S.L. 1992 (74 O.S. Supp. 1993, Section 4190), which relates to the state employee daycare program; modifying amount of licensed spaces daycare center must reserve for minor dependents of state employees; amending 74 O.S. 1991, Section 18c, which relates to the Office of the Attorney General; modifying list of agencies authorized to hire attorneys; providing that certain employees receive certain pay increases; providing for certain lump-sum payments; repealing 74 O.S. 1991, Section 840.8, as last amended by Section 29, Chapter 330, O.S.L. 1993 (74 O.S. Supp. 1993, Section 840.8), which is a duplicate section of law relating to the unclassified service; repealing Section 1, Chapter 171, O.S.L. 1992 (74 O.S. Supp. 1993, Section 7101), which relates to a State Employee Assistance Program; providing for noncodification; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 1991, Section 26.17, is amended to read as follows:

Section 26.17 A. The Director of ~~Public Welfare~~ Human Services, subject to the approval of the ~~Oklahoma Public Welfare Commission~~ for Human Services, shall have the power to employ and fix the qualifications, duties and compensation of employees necessary to the fulfillment of the provisions of this act, and shall have the power to approve any legal claim for payment. Effective July 1, 1994, all positions and personnel within the Department of Human Services shall be in the classified service and shall be subject to the provisions of the Merit System of Personnel Administration, as provided in the Oklahoma Personnel Act, except as provided in subsections B, C and E of this section.

B. Superintendents, teachers and other employees of the Oklahoma School for the Deaf and the Oklahoma School for the Blind, campus police appointed pursuant to Section 162.2 of Title 56 of the Oklahoma Statutes, the legal division or unit established pursuant to Section 236 of Title 56 of the Oklahoma Statutes, employees of the Children's Hospital of Oklahoma placed on an exempt status or retained in the unclassified service pursuant to Section 408 of Title 56 of the Oklahoma Statutes, employees of Oklahoma Memorial Hospital, and personnel placed in the unclassified service pursuant to Section 840.8 or 840.10 of Title 74 of the Oklahoma Statutes, shall be in the unclassified service. This subsection shall not apply to positions which are transferred from the Department of Human Services to any other agency on or after July 1, 1993, and before September 1, 1993.

C. Effective July 1, 1994, all employees of the Department of Human Services who have been appointed to the unclassified service

pursuant to Section 4 of Article XXV of the Oklahoma Constitution, other than the unclassified employees at Hissom Memorial Center, shall become subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act. These employees shall be granted permanent status in the classified service in the classes to which the positions they occupy are allocated by the Office of Personnel Management. These employees shall not be required to possess the minimum qualifications or take any required examinations, and their salaries shall not be reduced.

D. The Director of the Department of Human Services may permit employees of the Department of Human Services who have been appointed to the unclassified service pursuant to Section 4 of Article XXV of the Oklahoma Constitution to remain in the unclassified service while in the positions they currently occupy.

E. The Director of the Department of Human Services may designate up to two percent of the maximum number of full-time employees authorized by law to the Department of Human Services as being in the unclassified service, provided that the incumbents:

1. Report directly to the Director or provide support directly to the Commission; or
2. Are assigned duties which are primarily administrative in nature and involve establishing broad policies for the agency or divisions within the agency.

F. The Department of Human Services may employ in probationary status persons who have completed training under the Work Employment Program authorized under Section 402(a)(19) of the Social Security Act, as amended by Section 201(a) of the Family Support Act of 1988. Provided, such persons shall be required to possess the qualifications and to pass any examinations prescribed by the Office of Personnel Management for the positions to which such persons are assigned, but shall not be subject to appointment from a register.

At the end of the probationary period, such persons shall acquire permanent status in the classified service.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.13a of Title 74, unless there is created a duplication in numbering, reads as follows:

Effective July 1, 1994, all employees of the Oklahoma Aeronautics Commission who are exempt from the provisions of the Merit System of Personnel Administration pursuant to Executive Order, the Airport Inspector, and employees who are unclassified pursuant to paragraph 6 of Section 840.8 of Title 74 of the Oklahoma Statutes shall become classified and subject to the provisions of the Merit System of Personnel Administration. Such persons shall be given permanent status in the classifications to which their positions are allocated by the Office of Personnel Management without reduction in base pay. All future appointments to such positions shall be in the classified service pursuant to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.13b of Title 74, unless there is created a duplication in numbering, reads as follows:

On and after July 1, 1994, all positions and personnel of the Oklahoma Highway Safety Office, formerly the Highway Safety Coordinating Committee, within the Department of Public Safety, which were placed in the classified service by Executive Order or which are unclassified pursuant to paragraph 6 of Section 840.8 of Title 74 of the Oklahoma Statutes, except the Governor's Representative, shall be in the classified service of the Merit System of Personnel Administration. Effective July 1, 1994, all such incumbent employees shall be classified without being required to possess the minimum qualifications or take any examinations for the positions they hold and their salaries shall not be reduced.

Such employees 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. The Governor's Representative shall be appointed by and serve at the pleasure of the Governor and shall be in the unclassified service and not subject to the provisions of the Merit System of Personnel Administration.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 840.8, as last amended by Section 2, Chapter 333, O.S.L. 1993 (74 O.S. Supp. 1993, Section 840.8), 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, except as provided by Section 2 or 3 of this act;

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. For purposes of this act a student shall be considered a regularly enrolled student if he or she is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, provided, however, the student shall only be required to be

enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, and such student is regularly attending classes during that semester of employment, or

- c. 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.~~ 15. 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.~~ 16. 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.~~ 17. 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.~~ 18. 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.~~ 19. 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.~~ 20. 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. Deputy Director for Client Services, and
- e. Executive Secretary to Director;

~~22.~~ 21. The State Comptroller, Office of the Director of State Finance;

~~23.~~ 22. Employees of the Oklahoma Development Finance Authority;

~~24.~~ 23. Those positions so specified in the annual business plan of the Department of Commerce;

~~25.~~ 24. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

~~26.~~ 25. 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.~~ 26. 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.~~ 27. The Carl Albert Internship Program Coordinator within the Office of Personnel Management;

~~29.~~ 28. 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.~~ 29. 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~~ 28 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.~~ 30. 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.~~ 31. The State Bond Advisor and his employees;

~~33.~~ 32. 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;

~~34.~~ 33. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant; ~~and~~

~~35.~~ 34. The officers and employees of the State Banking Department;

35. Officers and employees of the University Hospitals Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes; and

36. The Director of the Marketing Division of the Department of Agriculture.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 840.16, is amended to read as follows:

Section 840.16 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 by the state's fiscal conditions. 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. The Administrator of the Office of Personnel Management ~~is directed to~~ shall develop and publish a ~~Merit System of Personnel Administration Salary Schedule which reflects the base salary or wage of the first step in each grade. The salary schedule will be effective on the first day of each fiscal year for all agencies which pay on the calendar month basis, but for those agencies whose pay period is not on a calendar month basis this section shall become effective on the last day of the pay period which is included in the new fiscal year~~ salary schedules as appropriate to meet the needs of agencies. Each schedule shall reflect the minimum and maximum salaries for each grade listed.

~~B.~~ C. The Administrator shall design a compensation system for all classified state employees. The system may include but shall not be limited to:

1. Entrance rates above the minimum;
2. Pay differentials, including on-call pay, shift pay, hazardous duty pay, and competitive area pay; and
3. Salaries on reclassifications, promotions, demotions, and detail to special duty.

D. All state agencies who employ personnel in the exempt or unclassified service of the state, whose salaries are not prescribed by law, shall establish salary schedules for such employees that are in consonance with those outlined above.

SECTION 6. 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~~ 1994. The following schedule reflects the minimum and maximum salary in the grade indicated.

	<u>ANNUAL WAGE</u>	
<u>GRADE</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 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.16e of Title 74, unless there is created a duplication in numbering, reads as follows:

A. In order to provide increased services to the public, to assist state employees in meeting the needs of their families, and improve employee morale and productivity, appointing authorities of agencies with classified employees are encouraged to consider the adoption of flextime attendance policies and alternative work schedules pursuant to Section 3 of Title 61 of the Oklahoma Statutes.

B. For purposes of this section, "flextime" means a work schedule that permits the use of alternative starting and ending times within limits set by the appointing authority and that includes a period of time during which all employees are expected to be present.

C. The Administrator of the Office of Personnel Management shall provide technical assistance to agencies in developing flextime policies and alternative work schedules and shall establish standards for such policies within the State Personnel System.

SECTION 8. AMENDATORY 61 O.S. 1991, Section 3, is amended to read as follows:

Section 3. ~~Eight~~ A. Except as provided in subsection B of this section, eight (8) hours shall constitute a day's work for all ~~laborers, workmen, mechanics, prison guards, janitors of public institutions~~ employees not otherwise exempt from the federal Fair Labor Standards Act, 29 U.S.C.A., Section 201 et seq. and regulations thereto, or other persons now employed or who may

hereafter be employed by or on behalf of the state, or by or on behalf of any county, city, township or other municipality, ~~except in.~~ In cases of extraordinary emergency which may arise in time of war, or in cases where it may be necessary to work more than eight (8) hours per calendar day for the protection of property or human life: Provided, that in all such cases the laborers, workmen, mechanics which results in more than forty (40) hours worked per week, all public employees or other persons so employed and working to exceed eight (8) hours per calendar day shall be paid on the basis of eight (8) hours constituting a day's work: Provided, further, that not less than the current rate of per diem wages in the locality where the work is performed shall be paid to laborers, workmen, mechanics, prison guards, janitors in public institutions, or other persons so employed by or on behalf of the state, or any county, city, township, or other municipality; and laborers, workmen, mechanics, or other persons employed by contractors or subcontractors in the execution of any contract or contracts with the state, or with any county, city, township, or other municipality thereof, shall be deemed to be employed by or on behalf of the state, or of such county, city, township, or other municipality compensated in accordance with the federal Fair Labor Standards Act and regulations related thereto.

B. Public employees may be allowed to work in excess of eight (8) hours per day when such hours are assigned as part of an alternative work schedule. In any case where such work schedule results in an employee working in excess of forty (40) hours per work week who is not exempt from the overtime provisions of the Fair Labor Standards Act, the employee shall be compensated in accordance with the Fair Labor Standards Act and regulations related thereto.

SECTION 9. AMENDATORY 74 O.S. 1991, Section 841.20, is amended to read as follows:

Section 841.20 A. A permanent classified employee or a regular unclassified employee shall be entitled to take leave with pay for not to exceed three (3) days a year to attend meetings of job-related professional organizations of which the employee is a member upon receiving permission from the appointing authority. The denial by an appointing authority or organizational leave shall be in writing and state the reasons for denying said leave.

B. For purposes of this section, "job-related organization" means a membership association which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees or any association for which payroll deductions for membership dues are authorized pursuant to paragraph 5 of subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes.

C. The leave authorized by this section shall not be used for lobbying activities which include the lobbying of legislative or executive branch elected officials within state-owned or leased buildings.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840.46 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The state hereby establishes the Employee Assistance Program to restore effective performance, and control turnover, absenteeism, and other costs associated with personal problems, including, but not limited to, alcohol abuse, drug abuse and emotional, marital, familial and financial problems.

B. 1. The Administrator shall establish the State Employee Assistance Program within the State Personnel System to provide assistance to agencies, except institutions within The Oklahoma State System of Higher Education, in the management of state employees whose personal problems may have a negative impact on their own or others' job performance. The Program may also provide

for assessment and referral assistance to state employees and their family members seeking help with personal problems.

2. Any agency may establish and maintain an employee assistance program affiliated with the State Employee Assistance Program subject to this section and rules adopted by the Administrator.

3. Supervisors are encouraged to refer employees to the State Employee Assistance Program for help with personal problems.

4. Participation in the State Employee Assistance Program shall be voluntary.

5. No provision of the State Employee Assistance Program shall limit the responsibility and authority of an appointing authority to maintain discipline or to take disciplinary measures against employees for misconduct or unacceptable performance. Participation or nonparticipation shall not excuse state employees from discipline or affect their status or opportunities for advancement.

6. Records relating to an individual's participation in the State Employee Assistance Program shall be maintained separately from regular personnel records and shall not become part of an employee's personnel file. Unless a participant poses a threat to himself or others, records relating to an individual's participation shall be confidential and not subject to subpoena. A participant shall have a right of access to his or her own State Employee Assistance Program records.

C. 1. There is hereby created the Employee Assistance Program Advisory Council to assist in the implementation of the state's employee assistance program. The Council shall advise the Office of Personnel Management on policy issues and provide support to expand and improve program services that are available to state employees and their families.

2. The Employee Assistance Program Advisory Council shall consist of the current nine (9) members who shall continue to hold their current positions through June 30, 1994. Effective July 1,

1994, three members shall be appointed by the Governor, three members shall be appointed by the Speaker of the House of Representatives, and three members shall be appointed by the President Pro Tempore of the Senate. All members shall serve two-year terms, unless removed prior to the expiration of a term by the respective individual making the appointment. Any vacancy in office shall be filled by the individual who made the initial appointment. The Council shall select a chairman and vice-chairman from among its membership. A majority of the members of the Council shall constitute a quorum to transact business, but no vacancy shall impair the right of the remaining members to exercise all of the powers of the Council and every act of a majority of the members present shall be deemed the act of the Council.

3. Members of the Council shall receive no compensation for serving on the Council, but shall receive travel reimbursement by the employing agency for members who are state employees or appointing authorities of agencies. Any member employed in state government shall receive the reimbursement from their employing entity. Members who are not employed in state government shall receive travel reimbursement from the Office of Personnel Management.

4. The Council shall not have authority to adopt rules pursuant to the Administrative Procedures Act.

D. The Legislature and the judicial branch of state government may utilize the services of the State Employee Assistance Program at their discretion.

SECTION 11. AMENDATORY 74 O.S. 1991, Section 841.2, is amended to read as follows:

Section 841.2 The appointing authority of the Oklahoma Merit Protection Commission shall be the Executive Director. The Executive Director shall be appointed by the Commission to serve at its pleasure. The Executive Director, with the approval of the

Commission, may employ and compensate an attorney and shall select, compensate and employ such hearing examiners administrative law judges and other personnel as deemed necessary for the proper administration of the duties and functions of the Commission ~~and may fix their compensation.~~ Effective July 1, 1994, employees of the Commission shall become classified employees, except as provided in Sections 840.8 and 840.10 of this title.

SECTION 12. AMENDATORY 74 O.S. 1991, Section 841.3, as amended by Section 5, Chapter 367, O.S.L. 1992 (74 O.S. Supp. 1993, 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~~ administrative law judges, mediators, and other resolution arbitrators or facilitators; 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 (\$0.25) 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 13. AMENDATORY 74 O.S. 1991, Section 841.9, as amended by Section 17, Chapter 367, O.S.L. 1992 (74 O.S. Supp. 1993, Section 841.9), is amended to read as follows:

Section 841.9 A. ~~The Office of Personnel Management~~ Oklahoma Merit Protection Commission shall establish ~~and adopt a uniform employee grievance procedure~~ standard internal agency grievance resolution procedures 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~~ The procedures shall encourage prompt and equitable resolution of grievances at the lowest possible level within the employing agency. Each appointing authority shall either use the procedures established by the Commission or adopt other procedures which address the specific needs of their agencies. All procedures shall contain the minimum requirements established by the Commission.

B. The appointing authority shall furnish and explain to each classified employee a copy of the internal agency grievance resolution procedure utilized by the agency.

C. No employee shall be disciplined or otherwise prejudiced in his or her employment for exercising his or her rights under the internal agency grievance resolution procedure.

D. Internal agency grievances may include, but are not limited to, any direct or indirect form of discipline, reduction-in-force,

work assignments, withholding of work, classification, reclassification, promotion, leave, performance appraisal, length of service, overtime, compensatory time and transfers.

E. The internal agency grievance procedure resolution procedures established and adopted by the Office of Personnel Management Oklahoma Merit Protection Commission shall contain the following minimum requirements:

1. Procedure requiring prompt resolution of the grievance and establishing time periods for each step of the procedure Procedures encouraging resolution of disputes within the agency quickly, informally and at the lowest possible level;

2. Provision for impartial review of the grievance Procedures requiring prompt resolution of the internal agency grievance within established time periods; and

3. Procedure Procedures 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.~~ F. The Oklahoma Merit Protection Commission shall promulgate rules to establish internal agency grievance resolution procedures.

G. The appointing authority of each classified agency shall designate employees of the agency to receive and process internal agency grievances. Within six (6) months after designation to serve in this capacity, these employees shall complete the training programs established by the Commission. Upon successful completion, such employees shall be certified to perform the duties associated with receiving and processing internal agency grievances.

H. The appointing authority of each classified agency shall ensure that employees designated to receive and process internal agency grievances are scheduled to attend and notified of the required training and shall make time available for employees to complete the training.

I. 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 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 841.9A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Each appointing authority shall establish written policies and procedures for progressive discipline of employees according to the requirements established by the Oklahoma Merit Protection Commission.

B. Progressive discipline is a system designed to ensure not only the consistency, impartiality and predictability of discipline, but also the flexibility to vary penalties if justified by extenuating or mitigating conditions. Typically, penalties range from verbal warning to discharge, with intermediate levels of a written warning, suspension or demotion. Repetition of an offense is accompanied by a generally automatic progression to the next higher level of discipline, at least absent extenuating circumstances.

C. Each supervisor shall be responsible for applying discipline when necessary that is progressive in nature, appropriate for the offense, and equitable. Each supervisor shall consider extenuating or mitigating circumstances when determining the proper disciplinary action. Each supervisor shall use prompt, positive action to avoid more serious disciplinary actions. The Oklahoma Merit Protection Commission shall promulgate rules to establish the requirements and guidelines for discipline.

SECTION 15. AMENDATORY Section 7, Chapter 367, O.S.L. 1992 (74 O.S. Supp. 1993, Section 841.13C), is amended to read as follows:

Section 841.13C 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. Alternative dispute resolution programs established and utilized by the Commission are not subject to Article II of the Administrative Procedures Act. 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~~ to the Oklahoma Merit Protection Commission or district court.

SECTION 16. AMENDATORY 74 O.S. 1991, Section 841.18, is amended to read as follows:

Section 841.18 A. A member of the Oklahoma Merit Protection Commission and the Executive Director shall have power to ~~administer oaths,~~ subpoena witnesses and compel the production of books and papers pertinent to any investigation, dispute resolution or hearing authorized by this act. Members of the Oklahoma Merit Protection Commission, the Executive Director, and their designees shall have the power to administer oaths. Any person who fails to appear in response to a subpoena or to answer any question or produce any books or papers pertinent to any such investigation, dispute resolution or hearing or who shall knowingly give false testimony therein upon conviction shall be guilty of a misdemeanor.

B. Any state employee subpoenaed by the Executive Director or Commission to appear shall be reimbursed by the employing agency for expenses as provided in the State Travel Reimbursement Act and shall be paid his or her regular salary for each day that the employee is subpoenaed to appear. Said reimbursement and payment shall be in lieu of any witness fees to which the employee might otherwise be entitled by law and a request by a state employee for such fees shall not remove the obligation which the state employee has to honor the subpoena.

SECTION 17. AMENDATORY 62 O.S. 1991, Section 7.10, as amended by Section 1, Chapter 142, O.S.L. 1992 (62 O.S. Supp. 1993, Section 7.10), is amended to read as follows:

Section 7.10 A. 1. Upon the request of a state employee, a state agency, board, or commission shall make voluntary payroll deductions for the employee to a credit union which primarily serves state employees or employees of a political subdivision of the state.

2. The governing body of any county, municipality, or school district may provide for voluntary payroll deductions to a credit union serving the employees of the county, municipality, or school district.

B. Upon the request of a state employee and pursuant to procedures established by the Administrator of the Office of Personnel Management, a state agency, board, or commission shall make payroll deductions for:

1. The payment of any insurance premiums due a private insurance organization with a minimum participation of five hundred (500) state employees for life, accident, and health insurance which is supplemental to that provided for by the state;

2. The payment of any insurance premiums due a private insurance organization or service company which is regulated by the

State Insurance Commissioner and with a minimum participation of five hundred (500) state employees for legal services;

3. Premiums or payments for retirement plans with a minimum participation of five hundred (500) state employees for retirement plans which are supplemental to that provided for by the state;

4. Salary adjustment agreements included in a flexible benefits plan as authorized by the State Employees Flexible Benefits Act; and

5. Membership dues in the Oklahoma Public Employees Association or any other statewide association limited to state employee or retired state employee membership with a minimum membership of one thousand (1,000) dues-paying members.

C. The administrative costs of processing payroll deductions or administering salary adjustment agreements for insurance premiums as provided for in subsection B of this section shall be a charge of two percent (2%) of the gross annual premiums for insurance plans. The administrative costs of processing payroll deductions or administering salary adjustment agreements for payments for retirement plans as provided for in subsection B of this section shall be one percent (1%) of the gross annual payments for retirement plans. These charges shall be collected monthly from the private insurance or retirement plan organization by the Office of Personnel Management and shall be deposited to the credit of the General Revenue Fund. Provided that these costs shall not be collected from state employees or state agencies unless otherwise directed in this act.

D. Any insurance or retirement plan organization with a payroll deduction as of the date the Office of State Finance begins administering this section shall be exempt from the minimum state employee participation requirement for a period of six (6) months from said date.

E. Any statewide association granted a payroll deduction prior to the effective date of this act shall be exempt from the minimum state employee membership requirement.

F. Approval of a payroll deduction or salary adjustment agreement for any insurance organization, line of coverage or policy shall not be construed as an assumption of liability, for the term of policy or the performance of the insurance organization, by this state, or any of its agencies, boards, commissions, institutions or any officer or employee thereof. Contracts for such insurance shall be in all respects subject to the insurance laws of this state, and shall be enforceable solely pursuant to such laws.

G. The Oklahoma Employment Security Commission is authorized to deduct from the wages or salary of its employees the employees' contribution to the Employment Security Commission Retirement Plan.

H. ~~Payroll~~ Retirement benefit deductions shall be made for premium payments for group insurance for retired members or beneficiaries of any state-supported retirement system upon proper authorization given by the member or beneficiary to the board from which the member or beneficiary is currently receiving retirement benefits.

I. Retirement benefit deductions shall be made for membership dues for any statewide association for which payroll deductions are authorized pursuant to paragraph 5 of subsection B of this section for retired members of any state-supported retirement system, upon proper authorization given by the member to the board from which the member or beneficiary is currently receiving retirement benefits.

SECTION 18. AMENDATORY Section 12, Chapter 367, O.S.L. 1992 (74 O.S. Supp. 1993, 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)~~ a minimum of one-half 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)~~ a maximum of one-half 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 19. AMENDATORY 74 O.S. 1991, Section 18c, is amended to read as follows:

Section 18c. Subject to the exceptions hereinafter set out, no state officer, board or commission, except the Corporation Commission, the Board of Managers of the State Insurance Fund, the Oklahoma Tax Commission, the Commissioners of the Land Office, the Oklahoma Public Welfare Commission also known as the Commission for Human Services, the Board of Corrections, the Department of Public Safety, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission, the Transportation Commission ~~and the Office of Public Affairs,~~ the Department of Central Services, the Oklahoma Merit Protection Commission, and the Office of Personnel Management, shall have authority to employ or appoint attorneys to advise or represent said officer, board or commission, in any matter, and all the legal duties of such officer, board or commission shall devolve upon and are hereby vested in the Attorney General; provided that the Governor shall have authority to employ special counsel to protect the rights or interest of the state as provided in Section 6 of this title; and provided further, that liquidation agents of banks shall have the authority to employ local counsel, with the consent of the Bank Commissioner and the Attorney General and the approval of the district court. At the request of any state officer, board or commission, except the Corporation Commission, the Board of Managers of the State Insurance Fund, Oklahoma Tax Commission and the Commissioners of the Land Office, the Grand River Dam Authority, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic Beverage Laws Enforcement Commission and the Interstate Oil and Gas Compact Commission, the Attorney General shall defend any action in which they may be sued in their official capacity, and at their request the Attorney General shall have authority to institute suits in the name of the State of Oklahoma on their relation, provided after investigation he is convinced there is sufficient legal merit to justify the action. Provided however, any

officer, board, or commission which has the authority to employ or appoint attorneys may request that the Attorney General defend any action arising pursuant to the provisions of the Governmental Tort Claims Act. Provided further, that nothing in this section shall be construed to repeal or affect the provisions of the statutes of this state pertaining to attorneys and legal advisors of the several commissions and departments of state last hereinabove mentioned, and all acts and parts of acts pertaining thereto shall be and remain in full force and effect.

SECTION 20. A. Effective July 1, 1994, classified state employees who were in probationary status with an agency on December 1, 1992, because of an interagency transfer and who meet the criteria established in this subsection shall receive a salary increase equal to the difference of the amount of their base pay on November 30, 1992, and the amount their base pay would have been if they had been eligible to receive the mandatory salary increase granted state employees pursuant to Section 23, Chapter 367, O.S.L. 1992. Provided that such employees must meet the following criteria:

1. They must be employees of the State of Oklahoma on July 1, 1994;
2. They were permanent classified employees in the agency from which they were transferred; and
3. They did not receive the mandatory one-step increase effective December 1, 1992, pursuant to subsection A or B of Section 23, Chapter 367, O.S.L. 1992, because they were on probationary status after an interagency transfer.

B. Such employees who meet the criteria established in subsection A of this section shall receive a one-time payment, in an amount equal to the difference of the amount of their base pay on November 30, 1992, and the amount their base pay would have been if they had been eligible to receive the mandatory salary increase

granted state employees pursuant to Section 23, Chapter 367, O.S.L. 1992, for the period between December 1, 1992, and June 30, 1993.

SECTION 21. A. Effective July 1, 1994, classified state employees who meet the criteria established in this subsection shall receive a salary increase equal to the difference of the amount of their base pay after a voluntary demotion and the base pay after such demotion if their base pay had only been reduced by two steps. Provided that such employees must meet the following criteria:

1. Are employees of the Department of Human Services on July 1, 1994;

2. Received the mandatory one-step increase effective December 1, 1992, pursuant to subsection A or B of Section 23, Chapter 367, O.S.L. 1992;

3. Accepted voluntary demotion in lieu of being separated from the Department of Human Services as a result of a reduction-in-force following reorganization on or after December 1, 1992, and before July 1, 1993; and

4. Received a reduction in salary greater than two steps in order to place them within the salary range of the class to which they were demoted.

B. Such employees who meet the criteria established in subsection A of this section shall receive a one-time payment, in an amount equal to the difference of the amount of their base pay after the voluntary demotion and the base pay after such demotion if their base pay had only been reduced by two steps, for the period between the effective date of the voluntary demotion and June 30, 1993.

SECTION 22. REPEALER 74 O.S. 1991, Section 840.8, as last amended by Section 29, Chapter 330, O.S.L. 1993 and Section 1, Chapter 171, O.S.L. 1992 (74 O.S. Supp. 1993, Sections 840.8 and 7101), are hereby repealed.

SECTION 23. NONCODIFICATION Sections 20 and 21 of this act shall not be codified in the Oklahoma Statutes.

SECTION 24. This act shall become effective July 1, 1994.

SECTION 25. 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.

44-2-7626

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