

ENGROSSED SENATE
BILL NO. 1130

By: Dickerson, Weedn and Easley
of the Senate

and

Paulk of the House

An Act relating to public finance; amending 62 O.S. 1991, Section 7.10, as amended by Section 1, Chapter 142, O.S.L. 1992 (62 O.S. Supp. 1995, Section 7.10), which relates to voluntary payroll deductions; adding certain membership dues to payroll deductions; stating purpose of section of law; limiting effect of certain minimum guidelines; requiring certain notifications and specifying contents thereof; stating when provisions of section of law shall not be applied; construing section of law; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 62 O.S. 1991, Section 7.10, as amended by Section 1, Chapter 142, O.S.L. 1992 (62 O.S. Supp. 1995, 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 membership with a minimum membership of one thousand (1,000) dues-paying members; and

6. Membership dues or contributions to a foundation organized pursuant to 26 U.S.C., Section 501(c)(3) in the Oklahoma Public Employees Association or any other statewide association limited to 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~~ 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 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.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-6.3A of Title 74, unless there is created a duplication in numbering, reads as follows:

It is the purpose of this section to provide minimum guidelines to be followed in the course of internal agency investigations of state employees, when such investigations are conducted by or initiated at the request of the employing agency. Minimum guidelines shall not eliminate, reduce, or infringe on any employee's obligations as otherwise provided for by federal or state law.

The employing agency of any employee, whether subject to the provisions of the Merit System or in unclassified service, who is subject to an internal agency investigation as described in this section, shall notify such employee in writing, at least twenty-four (24) hours before any employee is interrogated, of such investigation. Notice shall include:

1. A general summary of the grounds for the investigation and a general summary of evidence or physical evidence to support the grounds for the investigation;
2. Authority for the investigation;
3. The investigative process which the employing agency will follow during the course of the investigation;
4. The role the employee is to follow to facilitate the investigation; and

5. The right of the employee to legal counsel.

Within thirty (30) calendar days after completion of the investigation or within thirty (30) calendar days after the investigation is discontinued, the employing agency shall notify the employee of the results of the investigation. The notice shall include a general summary of the findings of the investigation and disposition of the matter.

If allegations or charges against the employee are confirmed, in whole or in part, the employee shall be notified in writing of any action which shall be taken by the employing agency. If allegations or charges against the employee are not confirmed, the employing agency shall fully remove all records of the investigation from the employee's file unless the agency determines that additional information warrants further investigation, and shall not use or reference the investigation in any further actions against the employee.

This section shall not apply if the agency determines that there is an imminent and immediate need for the protection of the public's safety or the protection of public property; when the provisions of life-sustaining health services are at risk; or when to do so is not otherwise in the best interests of the state.

This section shall not preclude any independent investigation by other law enforcement entities. The Office of Personnel Management shall promulgate rules pursuant to the Administrative Procedures Act.

SECTION 3. This act shall become effective November 1, 1996.

Passed the Senate the 6th day of March, 1996.

President of the Senate

Passed the House of Representatives the ____ day of
_____, 1996.

Speaker of the House of
Representatives