

ENGROSSED SENATE
BILL NO. 546

By: Dickerson of the Senate
and
Dunegan of the House

[state government - merit system of personnel
administration - clarifying statutory reference -
effective date]

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.22, as last amended by Section 24, Chapter 242, and as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1994, Section 840-4.3), is amended to read as follows:

Section 840-4.3 A. The Office of Personnel Management shall conduct audits of positions in the classified service to ensure that positions are properly allocated. Appointing authorities have control of positions within their agency and have the authority to organize their agencies, to create positions, to abolish positions and to prescribe or change the duties and responsibilities assigned to any position or employee at any time. The Administrator of the Office of Personnel Management shall be responsible for establishing a procedure for conducting and resolving position audits to ensure compliance with the provisions of the Oklahoma Personnel Act, Section 840-1.1 et seq. of this title, and the rules and orders promulgated thereunder. Such procedure shall assure prompt and impartial review of a final allocation of a position which is in dispute and guarantee each party an opportunity to present evidence

and to otherwise be heard. The audit procedure, including the impartial review process, shall be exempt from Article II of the Oklahoma Administrative Procedures Act, Section 308a of Title 75 of the Oklahoma Statutes. Individual audits of positions shall be conducted at the request of the appointing authority based on information provided by the agency. An incumbent employee will be given an opportunity to respond; however, the Office of Personnel Management will rely on the appointing authority for an official listing of the duties and responsibilities of the position.

B. The appointing authority has the responsibility to ensure that employees are properly classified and that the work performed conforms to the appropriate class specification describing the position. Employees shall be classified in accordance with the work they are assigned on a regular and consistent basis as an integral part of their normal work assignment and class specification. An employee has the right and responsibility to file a classification grievance, as provided by law and rule, when duties performed on a regular and consistent basis do not conform to the class specification. An employee is entitled to the compensation assigned to the class specification for which duties were performed on a regular and consistent basis as determined by the Office of Personnel Management. This provision does not entitle the employee to a higher classification.

C. Class specifications shall be used for the purpose of distinguishing one job classification from another as clearly and finitively as possible in order that positions may be properly allocated and employees may be properly classified in accordance with this section. Class specifications shall be applied in accordance with the following:

1. The position description questionnaire and class specification shall be interpreted and applied as a composite picture of the job requirements. An employee is not required to

perform all of the work operations described in a class specification in order to be eligible for classification thereunder. An employee is not eligible or entitled to classification by reason of performing isolated or singular duties incidental to the job but which are described in another class specification. Employees are entitled to the classification they are currently assigned.

2. An employee normally performs some of the work of higher-rated jobs and some of the work of lower-rated jobs when required. The normal duties of an employee may include some of the work of related jobs in the same salary grade when required. The normal duties of an employee may include assistance to others.

3. An employee is required to perform the work operations and duties described or appraised as being covered by a class specification pursuant to that degree or amount of guidance or instruction which is considered usual and normal in order to qualify for the classification.

SECTION 2. This act shall become effective November 1, 1995.

Passed the Senate the 8th day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1995.

Speaker of the House of Representatives