

ENROLLED SENATE
BILL NO. 1128

By: Dickerson, Taylor, Mickle,
Haney, Hobson, Leftwich,
Easley, Herbert, Bell,
Monson, Weedn, Kerr,
Helton, Long (Lewis),
Pierce, Harrison, Muegge,
Littlefield, Wilkerson,
Capps, Rozell, Stipe and
Henry of the Senate

and

Steidley, Hilliard,
Mitchell, Stottlemire,
Kirby, Satterfield,
Roberts, Smith (Dale),
Stites, Fields and Cox of
the House

An Act relating to state and county employees; amending 20 O.S. 1991, Section 106.9, as last amended by Section 6, Chapter 328, O.S.L. 1995 (20 O.S. Supp. 1995, Section 106.9), which relates to salaries of court reporters; amending 26 O.S. 1991, Section 2-118, as last amended by Section 1, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 1995, Section 2-118), which relates to salaries of county election board secretaries; providing for annual salary increases for court reporters and county election board secretaries; amending 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 239, O.S.L. 1994 (47 O.S. Supp. 1995, Section 2-105.4), which relates to Highway Patrol salaries; deleting obsolete language; providing for salary increases; providing for annual salary increases for certain state employees; providing salary increases be made regardless of certain circumstances; providing for prorated increase for part-time employees; delineating certain officers and employees for whom salary increase does not occur; stating conditions under which certain employees are eligible to receive salary increase; requiring Office of Personnel Management to adopt certain paylines; stating parameter of certain payline; prohibiting reduction-in-pay of certain payline; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 106.9, as last amended by Section 6, Chapter 328, O.S.L. 1995 (20 O.S. Supp. 1995, Section 106.9), is amended to read as follows:

Section 106.9 A. The salaries of all court reporters shall be paid by the state, except as provided otherwise herein. Full-time official court reporters, regularly engaged by the ~~courts including the~~ Workers' Compensation Court and the Oklahoma Corporation Commission, who are certified shorthand reporters shall be paid ~~Twenty-five Thousand Three Hundred Eight Dollars (\$25,308.00)~~ Twenty-six Thousand Five Hundred Eight Dollars (\$26,508.00) per annum, payable monthly. Full-time official court reporters, regularly engaged by the ~~courts including the~~ Workers' Compensation Court and the Oklahoma Corporation Commission, who are licensed shorthand reporters shall be paid ~~Twenty Thousand Five Hundred Seventy-four Dollars (\$20,574.00)~~ Twenty-one Thousand Seven Hundred Seventy-four Dollars (\$21,774.00) per annum, payable monthly. Acting official reporters who are neither licensed nor certified, and who are acting under a temporary certificate shall be paid ~~Fifteen Thousand Nine Hundred Ninety-five Dollars (\$15,995.00)~~ Seventeen Thousand One Hundred Ninety-five Dollars (\$17,195.00) per annum, payable monthly.

B. In addition to their base salaries, official court reporters who are certified or licensed shorthand reporters and those acting shorthand reporters referenced at ~~Title 20, Section 106.3B~~ paragraph c of Section 106.3B of this title shall be paid the sum of Four Hundred Dollars (\$400.00) per annum for each year of service in the district court, including the Workers' Compensation Court and the Corporation Commission, with a maximum of nine (9) years of service only to be used for the purpose of longevity, not to exceed Three Thousand Six Hundred Dollars (\$3,600.00) payable monthly. For the purpose of payment for longevity, "Years of Service" is defined as all years served as a certified or licensed court reporter in the district courts of Oklahoma including the Workers' Compensation Court and Oklahoma Corporation Commission after June 30, 1978. Such longevity payments shall begin on July 1 of each year following completion of one (1) year's service as defined herein.

C. In addition to their base salaries, official court reporters who are certified shorthand reporters shall be paid the following:

1. The sum of One Thousand Five Hundred Dollars (\$1,500.00) per annum to any official court reporter who is a holder of a certificate of proficiency, as certified by the State Board of Examiners of Official Shorthand Reporters. To qualify for a certificate of proficiency, an official court reporter must have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred twenty-five (225) words per minute in taking a question-and-answer-type dictation, two hundred (200) words per minute in taking a jury charge and one hundred eighty (180) words per minute in taking literary material all as determined by an examination administered by the Board or recognized by the Board.

2. The sum of Three Thousand Dollars (\$3,000.00) per annum to any official court reporter who is a holder of a certificate of merit, as certified by the State Board of Examiners of Official Shorthand Reporters. To qualify for a certificate of merit, an official court reporter must have a proficiency level in reporting testimony and proceedings of a speed of not less than two hundred sixty (260) words per minute in taking a question-and-answer-type dictation, two hundred forty (240) words per minute in taking a jury charge and two hundred (200) words per minute in taking literary material all as determined by an examination administered by the Board or recognized by the Board.

3. Any official court reporter who is the holder of both the certificate of proficiency and the certificate of merit shall be compensated only in the additional amount of Three Thousand Dollars

(\$3,000.00) per annum over and above his base salary, payable monthly.

D. Court reporters temporarily employed by the district court, Workers' Compensation Court or Corporation Commission shall be compensated by the court fund of the court which they serve at the rate of Fifty-four Dollars (\$54.00) per day. In addition, court reporters temporarily employed pursuant to this subsection who are required by the terms of their employment to travel outside their county of residence, shall receive reimbursement for mileage actually and necessarily traveled to and from the place of attendance at a rate not to exceed the rate of reimbursement specified in the State Travel Reimbursement Act for state employees. Such travel reimbursement shall be paid from the court fund of the court where the service of the temporarily employed court reporter is provided.

SECTION 2. AMENDATORY 26 O.S. 1991, Section 2-118, as last amended by Section 1, Chapter 315, O.S.L. 1995 (26 O.S. Supp. 1995, Section 2-118), is amended to read as follows:

Section 2-118. The secretary of each county election board shall be paid an annual salary according to the following schedule; provided, however, that the salary of a county election board secretary shall not fall below the level of the June 30, 1995, salary, regardless of the number of registered voters, excluding inactive, in the county and provided that no salary shall be increased to the secretary of any county election board while that county is under the administrative supervision of the Secretary of the State Election Board:

Registered Voters	Salary
0 to 10,000	\$14,238.28 <u>\$15,438.28</u>
10,001 to 15,000	\$15,038.28 <u>\$16,238.28</u>
15,001 to 17,500	\$18,202.45 <u>\$19,402.45</u>
17,501 to 25,000	\$21,378.93 <u>\$22,578.93</u>
25,001 to 50,000	\$27,088.18 <u>\$28,288.18</u>
50,001 to 75,000	\$35,960.58 <u>\$37,160.58</u>
75,001 to 150,000	\$41,085.58 <u>\$42,285.58</u>
150,001 or more	\$46,210.58 <u>\$47,410.58</u>

The salary and fringe benefits paid to each secretary shall be paid from county funds on a monthly basis and shall be reimbursed from funds appropriated by the Legislature for that purpose at a rate of not to exceed one hundred twenty-five percent (125%) of the above-specified salaries. Claims for said reimbursement shall be filed according to procedures prescribed by the Secretary of the State Election Board and approved by the Director of State Finance. Said claims for reimbursement shall only be paid for actual expenditures made by the county. The number of registered voters, for the purposes of this section, shall be determined by the number of registered voters, excluding inactive voters, in the county on January 1, 1979, and every two (2) years thereafter.

SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 239, O.S.L. 1994 (47 O.S. Supp. 1995, 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 of the Highway Patrol Division, including Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen, who shall comprise the Oklahoma Highway Patrol Division.

C. ~~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. 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.~~

~~D. Effective July 1, 1993, the~~ The annual salary of any person occupying a position listed in paragraph 1 of subsection ~~E~~ D 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.

~~E. D. Effective October 1, 1994~~ July 1, 1996:

1. The annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the positions within the Highway Patrol Division, as set out in this section, shall be in accordance and conformity with the following salary schedule, as prescribed by paragraph 2 of this subsection, exclusive of longevity pay, as authorized by Section ~~805.2~~ 840-2.18 of Title 74 of the Oklahoma Statutes, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Commissioner of Public Safety	\$66,974.00	<u>\$68,174.00</u>
Assistant Commissioner of Public Safety	\$62,976.00	<u>\$64,176.00</u>
Highway Patrol Colonel	\$62,976.00	<u>\$64,176.00</u>
Highway Patrol Lieutenant Colonel	\$52,066.00	<u>\$53,266.00</u>
Highway Patrol Major	\$48,940.00	<u>\$50,140.00</u>
Highway Patrol Captain	\$43,646.00	<u>\$44,846.00</u>
Highway Patrol First Lieutenant	\$38,922.00	<u>\$40,122.00</u>
Highway Patrol Supervisor	\$35,086.00	<u>\$36,286.00</u>
Highway Patrolman		
Step 1	\$23,800.00	<u>\$25,000.00</u>
Step 2	\$24,162.00	<u>\$25,362.00</u>
Step 3	\$24,732.00	<u>\$25,932.00</u>
Step 4	\$25,320.00	<u>\$26,520.00</u>
Step 5	\$25,922.00	<u>\$27,122.00</u>
Step 6	\$26,520.00	<u>\$27,720.00</u>
Step 7	\$27,156.00	<u>\$28,356.00</u>
Step 8	\$27,794.00	<u>\$28,994.00</u>
Step 9	\$28,456.00	<u>\$29,656.00</u>
Step 10	\$29,132.00	<u>\$30,332.00</u>
Step 11	\$29,822.00	<u>\$31,022.00</u>
Step 12	\$30,512.00	<u>\$31,712.00</u>
Step 13	\$31,222.00	<u>\$32,422.00</u>
Step 14	\$31,908.00	<u>\$33,108.00</u>
Probationary Highway Patrolman		

~~\$23,254.00~~ \$24,454.00
Cadet Highway Patrolman

~~\$21,148.00~~ \$22,348.00;

2. On ~~October 1, 1994~~ July 1, 1996, each Highway Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection. Such initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service said Patrolman has in the Highway Patrol Division of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary he was receiving on ~~September 30, 1994~~ June 30, 1996. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on ~~October 1, 1994~~ July 1, 1996, said Patrolman shall be assigned to and his salary adjusted to Step 14 of said salary schedule;

3. After July 1, 1995, each Highway Patrolman shall receive upon the anniversary date of such Patrolman an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such Patrolman, within the preceding twelve-month period:

- a. has achieved a satisfactory Performance Rating Score,
- b. has not received any disciplinary action which has resulted in any suspension from the Department, and
- c. has not received any disciplinary action which has resulted in demotion;

4. In any twelve-month period commencing after July 1, 1995, no Highway Patrolman shall receive:

- a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or
- b. more than one such salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division; and

5. The steps prescribed for the position of Highway Patrolman in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Highway Patrolman shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increase provided for in paragraph 3 of this subsection.

~~F.~~ E. The provisions of this section shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the positions in the Highway Patrol Division of the Department of Public Safety.

~~G.~~ F. Upon graduation from the Highway Patrol Academy, each Cadet Highway Patrolman shall be promoted to and shall receive the salary for the position of Probationary Highway Patrolman. Upon completion of the one-year probationary period, as required in subsection (b) of Section 2-105 of this title, each Probationary Highway Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of Highway Patrolman, as provided for in paragraph 1 of subsection ~~H~~ D of this section. Thereafter, the salary of such Patrolman shall be subject to the provisions of subsection ~~H~~ D of this section.

SECTION 4. Effective July 1, 1996, all full-time and part-time officers and employees of the state shall be awarded an annualized salary increase of One Thousand Two Hundred Dollars (\$1,200.00) per year above the salary amount in effect on June 30, 1996, including county election board secretaries, and any employee of a county health department or a soil conservation district, except those personnel specifically excluded from eligibility for any increase or advancement in salary, pursuant to this section. Such salary increase shall be made regardless of any salary limitation provided in an agency's annual appropriation bill or salary limits set by Section 3601 of Title 74 of the Oklahoma Statutes or Section 102.1 of Title 68 of the Oklahoma Statutes. Part-time employees shall receive a prorated increase. Provided, the following officers and employees shall be ineligible for a pay increase pursuant to this section and nothing, except as otherwise provided by Section 840-2.17 of Title 74 of the Oklahoma Statutes, shall be construed to authorize any increase or advancement of the salaries of:

1. Any elected official prohibited from receiving a salary increase pursuant to Section 10, Article 23 of the Oklahoma Constitution;

2. Persons employed pursuant to Section 1806.1 of Title 74 of the Oklahoma Statutes;

3. Persons employed pursuant to Section 1.6a of Title 53 of the Oklahoma Statutes;

4. Persons on temporary, student, internship or other limited term appointments;

5. Officers and employees of institutions under the administrative authority of the State Regents for Higher Education;

6. Persons who, on July 1, 1996, are serving in an initial probationary appointment to the classified service and unclassified employees in regular status who have not completed an initial six (6) months of service; provided, if such persons complete the initial probationary appointment or initial six (6) months of service after July 1, 1996, such persons shall be awarded the annualized salary increase pursuant to this section upon such completion; or

7. Persons employed pursuant to paragraph 12 of Section 840-5.5 of Title 74 of the Oklahoma Statutes.

SECTION 5. To be eligible for a salary increase pursuant to Section 4 of this act, 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, 1995, in accordance with Section 840-4.17 of Title 74 of the Oklahoma Statutes.

SECTION 6. The Office of Personnel Management shall adopt paylines for allied health classifications not currently covered under a special payline. The payline to be adopted shall be ten percent (10%) above the state's general payline, provided that the payline for any health classification shall not be reduced by this action.

SECTION 7. The provisions of Sections 4, 5 and 6 of this act shall not be codified in the Oklahoma Statutes.

SECTION 8. This act shall become effective January 1, 1997.

SECTION 9. 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 Senate the 28th day of March, 1996.

President of the Senate

Passed the House of Representatives the 2nd day of April, 1996.

Speaker of the House of
Representatives