

ENROLLED SENATE
BILL NO. 846

By: Haney and Hobson of the
Senate

and

Hamilton, Steidley, Adair,
Askins, Beutler, Boyd
(Betty), Boyd (Laura), Cox,
Crocker, Deutschendorf,
Ervin, Erwin, Fields,
Glover, Hager, Hefner,
Hilliard, Hutchison,
Kinnamon, Kirby, Leist,
Matlock, Mitchell, Plunk,
Rhodes, Rice, Sadler,
Satterfield, Smith (Dale),
Staggs, Stites,
Stottlemyre, Thomas,
Voskuhl and Weaver of the
House

An Act relating to state and county employees;
amending 47 O.S. 1991, Section 2-105.4, as last
amended by Section 3 of Enrolled Senate Bill No.
1128 of the 2nd Session of the 45th Oklahoma
Legislature, and Sections 4, 5, 6 and 8 of
Enrolled Senate Bill No. 1128 of the 2nd Session
of the 45th Oklahoma Legislature, which relates
to salaries of officers of the Department of
Public Safety, pay increases for certain
employees, eligibility for certain pay
increases, and effective date; modifying
application of step increases for Highway Patrol
Officers; requiring Highway Patrol Officers to
retain certain salary increase and be adjusted
to proper step; including certain employees in
certain pay increase; excluding certain
employees from certain pay increase; defining
term; modifying date of service rating used to
determine eligibility for certain pay increase;
providing for penalties for failure to provide
service ratings; specifying certain lists of
allied health classes authorized for a payline;
modifying effective date; 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 47 O.S. 1991, Section 2-105.4, as
last amended by Section 3 of Enrolled Senate Bill No. 1128 of the
2nd Session of the 45th Oklahoma Legislature, is amended to read as
follows:

Section 2-105.4 A. The Commissioner of the Department of Public Safety 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, 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 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 of the Department of Public Safety.

~~C. The annual salary of any person occupying a position listed in paragraph 1 of subsection 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, if such employee salary increases are authorized by the Legislature.~~

~~D.~~ Effective 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 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	\$68,174.00
Assistant Commissioner of Public Safety	\$64,176.00
Highway Patrol Colonel	\$64,176.00
Highway Patrol Lieutenant Colonel	\$53,266.00
Highway Patrol Major	\$50,140.00
Highway Patrol Captain	\$44,846.00
Highway Patrol First Lieutenant	\$40,122.00
Highway Patrol Supervisor	\$36,286.00
Highway Patrolman	
Step 1	\$25,000.00
Step 2	\$25,362.00
Step 3	\$25,932.00
Step 4	\$26,520.00
Step 5	\$27,122.00
Step 6	\$27,720.00
Step 7	\$28,356.00
Step 8	\$28,994.00
Step 9	\$29,656.00
Step 10	\$30,332.00
Step 11	\$31,022.00
Step 12	\$31,712.00
Step 13	\$32,422.00
Step 14	\$33,108.00
Probationary Highway Patrolman	\$24,454.00
Cadet Highway Patrolman	

\$22,348.00;

2. ~~On 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 June 30, 1996. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on 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~~ Each Highway Patrolman shall receive upon the anniversary date of ~~such~~ the Patrolman an annual salary increase to the ~~next higher~~ step of the salary schedule provided for in paragraph 1 of this subsection which step number corresponds to the number of completed years of service the Patrolman has accumulated in the Highway Patrol Division of the Department of Public Safety if such the 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;

Provided, if the number of completed years of service on the anniversary date of the Patrolman is or exceeds fourteen (14) years, said Patrolman shall be assigned to, and his salary adjusted to, Step 14 of said salary schedule;

3. Each highway patrol officer granted a salary increase on July 1, 1995, shall retain said salary increase and thereafter shall be adjusted to the proper step pursuant to paragraph 2 of this subsection;

4. ~~In~~ Notwithstanding the provisions of paragraph 2 of this subsection, in any twelve-month period commencing ~~after~~ July 1, ~~1995~~ 1996, 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 2, 3 or 4 of this subsection.

E. D. 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.

~~F.~~ E. 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 ~~D~~ C of this section. Thereafter, the salary of such Patrolman shall be subject to the provisions of subsection ~~D~~ C of this section.

SECTION 2. AMENDATORY Section 4 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 4. A. 1. Effective July 1, 1996, all full-time and part-time officers and employees of the state who were employed by the state on the last working day of June 1996, and who, if applicable, meet the eligibility requirements of Section 5 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Section 3 of this act, 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~~ above any other July 1, 1996, salary adjustments. This section shall apply to 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.~~

2. Part-time employees shall receive a prorated annualized increase provided for in this section.

3. Employees eligible for the raise provided for in this section who are on leave-without-pay on July 1, 1996, shall receive an annualized increase, effective upon their return to work.

4. Employees who leave the state service before July 1, 1996, and who are reinstated or reemployed in the state service during July 1996, without a break-in-service, who are otherwise eligible for the pay increase provided for in this section shall be granted such raise effective immediately upon such reinstatement or reemployment, or upon completion of any probationary period if a probationary period is required. As used in this paragraph, "break-in-service" is defined as a period of time in excess of thirty (30) calendar days between two periods of state employment.

B. 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, except for Carl Albert Executive Fellows appointed pursuant to paragraph 10 of Section 840-5.5 of Title 74 of

the Oklahoma Statutes who shall be awarded an annualized salary increase pursuant to this section on July 1, 1996, except if a Fellow has been continuously employed for less than six (6) months on such date, the Fellow shall be awarded the annualized salary increase effective upon the completion of such six-month period;

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~~ status in the classified service and, unclassified employees in regular status who have not completed an initial been continuously employed for the last six (6) months of service, and University Hospitals Authority Model Personnel System employees who have not been continuously employed for at least six (6) months; provided, if such persons complete the ~~initial probationary appointment~~ period and acquire permanent status in the classified service or initial complete six (6) months of continuous employment in the unclassified service or in the Model Personnel System after July 1, 1996, such persons shall be awarded the an annualized salary increase pursuant to this section ~~upon~~ effective upon such completion; ~~or~~

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

8. Persons who were awarded a salary increase pursuant to Sections 1 and 2 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, and Sections 3 and 6 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Sections 1 and 4 of this act; and

9. Persons who are employed or under contract pursuant to subsection B of Section 1419 of Title 10 of the Oklahoma Statutes.

SECTION 3. AMENDATORY Section 5 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 5. ~~To~~ A. Except for employee raises authorized in paragraphs 4 and 6 of subsection B of Section 2 of this act, to be eligible for a salary increase pursuant to Section 4 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Section 2 of this act, classified and unclassified employees whose service ratings are subject to the provisions of the Oklahoma Personnel Act Section 840-4.17 of Title 74 of the Oklahoma Statutes and employees within the University Hospitals Authority Model Personnel System must have received an overall rating of at least "satisfactory", or its equivalent, on a the most recent service rating conducted on or after July 1, 1995, between January 1, 1995, and June 30, 1996; provided, such service rating shall have been conducted in accordance with Section 840-4.17 of Title 74 of the Oklahoma Statutes, or for employees subject to the University Hospitals Authority Model Personnel System at the time of the salary advancement pursuant to Section 4 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Section 2 of this act, the Hospital's performance appraisal system.

B. The appointing authority of any employee who does not receive the raise provided for in Section 4 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Section 2 of this act, because of not having received a service rating shall ensure that the employee is rated before August 15, 1996. If the employee receives an overall rating of at least "satisfactory" or its equivalent, the appointing authority shall ensure the employee receives the raise provided for in Section 4 of

Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Section 2 of this act.

C. Appointing authorities whose employees are eligible to receive the salary increase provided by Section 4 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by Section 2 of this act, who fail to ensure that all such employees have an employee service rating between January 1, 1995, and June 30, 1996, may be considered in violation of Section 840-4.17 of Title 74 of the Oklahoma Statutes. Violators shall be subject to administrative fines by the Oklahoma Merit Protection Commission or the Administrator of the Office of Personnel Management pursuant to Section 840-6.9 of Title 74 of the Oklahoma Statutes.

SECTION 4. AMENDATORY Section 6 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 6. The Office of Personnel Management shall ~~adopt~~ establish paylines for allied health classifications not currently covered under a special payline and recommended for a higher payline in Appendix A of the 1996 Annual Compensation Report, or a supplement to Appendix A dated May 20, 1996, published by the Office of Personnel Management. The payline to be adopted shall be ~~ten percent (10%)~~ four (4) grades above the state's general payline, provided that the payline for any health classification shall not be reduced by this action. Employees in classes placed on the allied health payline pursuant to Section 6 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, as amended by this act, shall receive a ten percent (10%) increase in base pay effective July 1, 1996.

SECTION 5. AMENDATORY Section 8 of Enrolled Senate Bill No. 1128 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 8. This act shall become effective ~~January 1, 1997~~ July 1, 1996.

SECTION 6. The provisions of Sections 2, 3 and 4 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. This act shall become effective July 1, 1996.

SECTION 8. 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 29th day of May, 1996.

President of the Senate

Passed the House of Representatives the 29th day of May, 1996.

Speaker of the House of Representatives

