

ENROLLED SENATE
BILL NO. 845

By: Haney and Hobson of the
Senate

and

Hamilton and Steidley of
the House

An Act relating to the Oklahoma Personnel Act;
amending 74 O.S. 1991, Section 840.8, as renumbered
by Section 54, Chapter 242, O.S.L. 1994, and as
last amended by Section 22 of Enrolled House Bill
No. 2428 of the 2nd Session of the 45th Oklahoma
Legislature, and Section 13, Chapter 242, O.S.L.
1994, as amended by Section 4, Chapter 309, O.S.L.
1995, Section 14, Chapter 242, O.S.L. 1994, as last
amended by Section 4, Chapter 269, O.S.L. 1995 and
Section 15, Chapter 242, O.S.L. 1994 (74 O.S. Supp.
1995, Sections 840-5.11, 840-5.12 and 840-5.13),
which relate to classification of positions;
modifying the classification of certain positions
within the Office of Personnel Management, the
Commissioners of the Land Office, the Oklahoma
Historical Society, the Employee Assistance
Program, the Department of Labor, the J.D. McCarty
Center for Children with Developmental
Disabilities, the State Department of Agriculture,
the Oklahoma State Employees Benefits Council, the
Oklahoma Commission on Children and Youth and the
Department of Environmental Quality; clarifying
statutory reference; providing additional
compensation for certain employee at direction of
the Director of the Department of Corrections;

repealing Section 1, Chapter 260, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-5.14), which relates to the Department of Labor; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 22 of Enrolled House Bill No. 2428 of the 2nd Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 840-5.5 A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified 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. Persons employed with one-time, limited duration, federal or other grant funding that is not continuing or indefinitely renewable. The length of the unclassified employment shall not exceed the period of time for which that specific federal funding is provided. Provided any person unclassified pursuant to this paragraph on April 11, 1995, in a capacity that does not meet the criteria listed in this paragraph may continue to be employed in such status until July 1, 1995;

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. These appointments and authorizations shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier. However, nothing in this paragraph shall prevent the reauthorization and reappointment of any such person;

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 may 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 either the House of Representatives or the State Senate or the Legislative Service Bureau;

15. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, personnel managers and comptrollers,
- c. General Counsel,
- d. Public Utility Division Chief Engineer,
- e. Public Utility Division Chief Accountant,
- f. Public Utility Division Chief Economist,
- g. Public Utility Division Deputy Director, and
- h. Secretary of the Commission;

16. 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;

17. 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,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

18. Office of State Finance personnel occupying the following offices and positions:

- a. State Comptroller,
- b. Information Services Divisions Manager,
- c. Network Manager, and

- d. Network Technician;
- 19. Employees of the Oklahoma Development Finance Authority;
- 20. Those positions so specified in the annual business plan of the Department of Commerce;
- 21. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;
- 22. 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 subsection B of this section;
- 23. Office of Personnel Management employees occupying the following positions:
 - a. the Carl Albert Internship Program Coordinator , and
 - b. one Administrative Assistant;
- 24. Department of Labor personnel occupying the following offices and positions:
 - a. two Deputy Commissioners,
 - b. Executive Secretary to the Commissioner,
 - c. Chief of Staff, and
 - d. two Administrative Assistants;
- 25. The State Bond Advisor and his employees;
- 26. 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;
- 27. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant;
- 28. The officers and employees of the State Banking Department;
- 29. 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 members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes;
- 30. Alcoholic Beverage Laws Enforcement Commission employees occupying the three Administrative Service Assistant positions;
- 31. The Oklahoma State Bureau of Investigation employee occupying the Special Investigator position and one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;
- 32. The Governor's Representative of the Oklahoma Highway Safety Office of the Oklahoma Department of Public Safety who shall be appointed by the Governor;
- 33. Oklahoma Department of Transportation employee occupying the position of the Director of the Oklahoma Aeronautics Commission;
- 34. Commissioners of the Land Office employees occupying the following positions:
 - a. Director of the Investments Division,
 - b. Assistant Director of the Investments Division, and
 - c. one Administrative Assistant;
- 35. Within the Bureau of Narcotics and Dangerous Drugs Control Commission, the following positions:

- a. two Narcotics Agent positions, provided, authorization for such positions shall be terminated when federal support for the positions by the Gang Intelligence/Enforcement Program is discontinued, and
- b. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

36. A maximum of one hundred (100) positions, within full-time-employee limitations of the Oklahoma Military Department, to work in any of the Department of Defense directed youth programs or the State of Oklahoma Juvenile Justice Youth Programs. The authorization for such positions shall be terminated if the federal funding for the positions is discontinued;

37. Within the Oklahoma Commission on Children and Youth the following unclassified positions:

- a. one Oversight Specialist and one Community Development Planner,
- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued, and
- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

38. The following positions and employees of the Department of Central Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing, and
- c. one Alternate Fuels Administrator;

39. One Environmental Specialist I within the Water Resources Board;

40. J.D. McCarty Center for Children with Developmental Disabilities personnel occupying the following offices and positions:

- a. Physical Therapists,
- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

41. The Development Officer within the Oklahoma Historical Society;

42. State Department of Agriculture personnel occupying the following positions:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. Agricultural Marketing Coordinator III, and
- c. temporary fire suppression personnel, regardless of the number of hours worked, who are employed by the State Department of Agriculture during the period of October 1 through May 31 in any fiscal year; provided, however, notwithstanding the provisions of any other section of law, the hours worked by such employees shall not entitle such employees to any benefits received by full-time employees; and

43. The Contracts Administrator within the Oklahoma State Employees Benefits Council.

B. If an agency has the authority to employ personnel in the following offices and positions, the appointing authority shall have the discretion to appoint personnel to the unclassified service:

1. Licensed medical doctors, osteopathic physicians, dentists, and psychologists;

2. Certified public accountants;
3. Licensed attorneys; and
4. Licensed veterinarians.

C. Effective July 1, 1996, authorization for unclassified offices, positions, or personnel contained in a bill or joint resolution shall terminate June 30 of the ensuing fiscal year after the authorization unless the authorization is codified in the Oklahoma Statutes or the termination is otherwise provided in the legislation.

SECTION 2. AMENDATORY Section 13, Chapter 242, O.S.L. 1994, as amended by Section 4, Chapter 309, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-5.11), is amended to read as follows:

Section 840-5.11 A. The Department of Corrections shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the Merit System of Personnel Administration and rules promulgated hereunder. This section shall supersede and repeal any and all executive orders issued pursuant to this act to place the agency or its predecessors under the Merit System.

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the following offices, positions and personnel shall be in the unclassified service:

1. 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 Research and Evaluation,
- 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,
- av. Chief Psychologist,
- aw. Physician Assistant,
- ax. Pharmacist,
- ay. Nurse Practitioner,
- az. Computer Aided Drafting Manager,
- ba. Crime Data Reporting Analyst, and
- bb. Community Corrections System Administrator; and

2. 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. Oklahoma State Industries Sales Representative,
- d. Oklahoma State Industries Sales Manager,
- e. Marketing Manager, and
- f. Operations Manager.

The positions listed in subparagraphs a through f of this paragraph shall be funded from the Department of Corrections Industries' Revolving Fund only. In addition to the regular salary, any unclassified service sales representative or marketing manager 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 1 of this section and in subparagraphs a through f of this paragraph who were classified under the Merit System of Personnel Administration on the effective date the position they occupy became part of the unclassified service shall have the option of remaining in their classified service status. Incumbents who choose to accept unclassified service appointments shall so signify in writing. All future appointees to these positions shall be in the unclassified service. Incumbents who choose to remain in the classified service shall be subject to all rules and procedures of the Merit System. By the end of the first full workweek 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.

SECTION 3. AMENDATORY Section 14, Chapter 242, O.S.L. 1994, as last amended by Section 4, Chapter 269, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-5.12), is amended to read as follows:

Section 840-5.12 A. The State Department of Rehabilitation Services shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the

Merit System of Personnel Administration and rules promulgated hereunder. This section shall supersede and repeal any and all executive orders issued pursuant to Section 840-1.1 et seq. of this title to place the agency or its predecessors under the Merit System.

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the following offices, positions and personnel shall be in the unclassified service:

1. Division Administrators;
2. Departmental Services Manager;
3. Chief Fiscal Officer;
4. Human Resources Manager;
5. External Relations Coordinator;
6. Field Service Coordinators;
7. Commission Administrative Assistant;
8. Data Processing Manager;
9. Public Information Officer;
10. Civil Rights Administrator;
11. Program Development and Evaluation Supervisor;
12. School Superintendents, Principals and Deans of Students;
13. Supervisor, Transitional Living Center;
14. Teacher/Trainer, Transitional Living Center;
15. Licensed Practical Nurses, Nursing Services Supervisor and LPN Supervisor;
16. Transportation Officers and Bus Drivers;
17. Disability Medical Consultant II and Disability Medical Consultant III;
18. Rehabilitation Engineer;
19. Coordinator of Deaf Services;
20. Training Specialist;
21. Rehabilitation Technician; and
22. Bus Chaperone.

SECTION 4. AMENDATORY Section 15, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1995, Section 840-5.13), is amended to read as follows:

Section 840-5.13 A. The Department of Environmental Quality shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the Merit System of Personnel Administration and rules promulgated hereunder. This section shall supersede and repeal any and all executive orders issued pursuant to this act to place the agency or its predecessors under the Merit System.

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the following offices, positions and personnel shall be in the unclassified service:

1. Division Directors;
2. General Counsel;
3. Attorneys;
4. Director of Public Information and Education;
5. Customer Service Specialists;
6. Senior Coordinator of Rural Solid Waste Systems Development;
7. Director of Support Services; and
8. Director of the Office of Waste Planning and Systems Development.

SECTION 5. REPEALER Section 1, Chapter 260, O.S.L. 1995 (74 O.S. Supp. 1995, Section 840-5.14), is hereby repealed.

SECTION 6. This act shall become effective November 1, 1996.