

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1944

By: Thomas

AS INTRODUCED

An Act relating to the Oklahoma School for the Blind and School for the Deaf; amending 10 O.S. 1991, Section 1419, as amended by Section 8, Chapter 364, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1419), which relates to administration of the schools by the Commission for Rehabilitation Services; expanding employment authorization; requiring the Commission to promulgate certain personnel rules and policies; providing certain contracting authority; allowing certain longevity pay for certain personnel; amending 74 O.S. 1991, Sections 805.2, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 10, Chapter 283, O.S.L. 1994, 840.9, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and Section 14, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1994, Sections 840-2.18, 840-5.3 and 840-5.12), which relate to the Oklahoma Personnel Act; expanding longevity pay plan to apply to certain employees; providing that certain employees are not considered state employees; deleting certain positions from unclassified service designation; providing for salary increase for certain state employees who meet certain criteria; 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 10 O.S. 1991, Section 1419, as amended by Section 8, Chapter 364, O.S.L. 1993 (10 O.S. Supp. 1994, Section 1419), is amended to read as follows:

Section 1419. A. The Commission for Rehabilitation Services shall establish and maintain such methods of administration (including methods relating to the establishment and maintenance of personnel standards ~~on a merit basis~~) as are necessary for the proper and efficient administration of the Oklahoma School for the Blind and the Oklahoma School for the Deaf, and programs thereat; shall maintain records and reports, shall provide a uniform accounting system; and shall incur such expenses and make such expenditures as it deems necessary to maintain and operate such institutions.

B. The Director of the State Department of Rehabilitation Services shall, subject to the approval of the Commission, employ or contract with ~~such~~ qualified teachers, principals, directors of student assessment and program development, vocational teachers, career vocational coordinators, head school librarians, school psychologists, mental health counselors, school counselors, occupational therapists, physical therapists, orientation and mobility specialists (OSB), speech services supervisors and speech language pathologists and appoint or employ the superintendent and such other personnel, as he deems necessary for the proper operation of each institution, and shall fix their duties and compensation. The superintendent, teachers and other employees shall be eligible for membership or participation in the Teachers' Retirement System

of Oklahoma to the same extent and on the same basis as teachers and other employees of other state educational institutions and public schools.

C. The Commission shall promulgate personnel rules and establish policies similar to those applicable to public school district employees for those employees listed in subsection B of this section, including but not limited to leave and employment policies and a salary schedule. The Commission shall establish a salary policy for superintendents of the Oklahoma School for the Blind and the Oklahoma School for the Deaf which limits the salaries to a maximum of one and one-half (1 1/2) times the maximum salary of the highest paid teachers at the schools. The Commission shall be authorized to notify teachers and other personnel on or before April 1 of each year concerning the renewal of contracts, provided the contracts are made contingent on the availability of funds.

D. Those personnel listed in subsection B of this section who have entered into contracts with the schools on or before July 1, 1995, shall be entitled to longevity pay as provided in Section 840-2.18 of Title 74 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 805.2, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 10, Chapter 283, O.S.L. 1994 (74 O.S. Supp. 1994, Section 840-2.18), is amended to read as follows:

Section 840-2.18 A. A longevity pay plan is hereby adopted. This plan applies to all state classified, unclassified, and exempt employees, excluding members of boards and commissions, institutions under the administrative authority of the State Regents for Higher Education, employees of public school districts, and elected officials. The plan shall also apply to those employees of the Oklahoma School for the Blind and the Oklahoma School for the Deaf who qualify for longevity pay in accordance with subsection D of Section 1419 of Title 10 of the Oklahoma Statutes.

B. The Oklahoma Conservation Commission is hereby authorized to establish a longevity pay program for employees of the conservation districts employed under Section 1501-419 of Title 82 of the Oklahoma Statutes. Such longevity pay program shall be consistent with the longevity pay program for state employees authorized under this title and payments shall be made in a manner consistent with procedures for reimbursement to conservation districts.

C. To be eligible for longevity pay, employees must have been continuously employed in the classified or unclassified service of the state for a minimum of two (2) years in full-time status or in part-time status working more than one thousand (1,000) hours a year.

For purposes of this section, a break in service of thirty (30) calendar days or less shall not be considered an interruption of continuous service; a break in service of more than thirty (30) calendar days shall mark an end to continuous service. The legislative session employees who have worked for two (2) years or more in part-time status and are eligible for state retirement benefits, but do not receive other longevity payments, shall be eligible and shall be considered to have been continuously employed for purposes of calculating longevity payments, notwithstanding the provisions of subsection E of this section.

D. (1) Longevity pay for the first twenty (20) years of service shall be determined pursuant to the following schedule:

Years of Service	Annual Longevity Payment
At least 2	
years but less than 4 years	\$250.00
At least 4	
years but less than 6 years	\$426.00
At least 6	
years but less than 8 years	\$626.00
At least 8	

years but less than 10 years	\$850.00
At least 10	
years but less than 12 years	\$1,062.00
At least 12	
years but less than 14 years	\$1,250.00
At least 14	
years but less than 16 years	\$1,500.00
At least 16	
years but less than 18 years	\$1,688.00
At least 18	
years but less than 20 years	\$1,900.00
At least 20 years	\$2,000.00

(2) For each additional two (2) years of service after the first twenty (20) years an additional Two Hundred Dollars (\$200.00) shall be added to the amount stated above for twenty (20) years of service.

The total amount of the annual longevity payment made to an employee by any and all state agencies in any year shall not exceed the amount shown on the table corresponding to that employee's years of service with the state. Further, no employee shall receive duplicating longevity payments for the same periods of service with any and all agencies.

E. To determine years of service, cumulative periods of full-time employment or part-time employment working more than one hundred fifty (150) hours per month with the state excluding service as specified in subsection A of this section are applicable. Part-time employment, working one hundred fifty (150) hours per month or less for the state, excluding service as specified in subsection A of this section, shall be counted only if:

1. The period of employment was continuous for at least five (5) months; and
2. The person worked more than two-fifths (2/5) time.

Other employment shall not be counted as service for purposes of longevity payments. Further, no period of employment with the state, whether with one or more than one agency, shall be counted as more than full-time service.

F. Years of service under the administrative authority of the State Regents for Higher Education or the administrative authority of the Department of Vocational and Technical Education of any employee who is now employed in a job classification which is eligible for longevity pay shall be included in years of service for purposes of determining longevity pay.

G. Years of service shall be certified through the current employing agency by the appointing authority on a form approved by the Office of Personnel Management. Said form shall be filed with the Office of Personnel Management by the current employing agency within sixty (60) calendar days before an employee becomes eligible for longevity payments and thereafter whenever the employee's anniversary date is changed.

H. Eligible employees, in full-time status or in part-time status working more than one hundred fifty (150) hours per month, shall receive one (1) lump-sum annual payment, in the amount provided on the preceding schedule, during the month following the anniversary date of the employee's most recent enter-on-duty day with the state. Eligible part-time employees who work one hundred fifty (150) hours per month or less shall receive one (1) lump-sum annual payment, based on the formula in subsection L of this section, during the month following the anniversary date of the employee's most recent enter-on-duty day with the state. To receive longevity pay an employee must be in pay status on or after his or her anniversary date.

Eligible employees who would not otherwise receive annual longevity payments because their employment includes regular periods of leave without pay in excess of thirty (30) calendar days shall

receive one (1) lump-sum annual payment, based on the formula in subsection L of this section, during:

1. The month of August if the employee is in pay status on July 1; or

2. During the month following the employee's first return to duty that fiscal year if the employee is not in pay status on July 1.

Employees terminated as a result of a reduction in force or retiring from state employment shall receive upon said termination or retirement the proportionate share of any longevity payment which may have accrued as of the date of termination or retirement.

Provided further that, the proportionate share of any longevity payment which may have accrued as of the date of death of an employee shall be made to the surviving spouse of the employee or if there is no surviving spouse to the estate of the employee.

- I. Periods of leave without pay taken in accordance with Section 840.7b of this title shall be counted as service. Other periods of nonpaid leave status in excess of thirty (30) calendar days shall not mark a break in service; however, they shall:

1. Not be used in calculating total months of service for longevity pay purposes; and

2. Extend the anniversary date for longevity pay by the total period of time on nonpaid leave status except as provided in subsection H of this section for employees whose conditions of employment include regular periods of leave without pay.

- J. Employees currently receiving longevity pay who work for the judicial branch of state government or who work for the Department of Vocational and Technical Education shall not be eligible for the longevity pay plan provided for in this section.

- K. A break in service with the state in excess of thirty (30) days but which does not exceed two (2) years which was caused by a reduction in force shall be treated as if it were a period of

nonpaid leave status as provided for in subsection I of this section for the purpose of calculating total months of service for longevity pay. This subsection shall only apply to state employees laid off after June 30, 1982.

L. Eligible part-time employees working less than one hundred fifty (150) hours per month and other eligible employees with regular annual periods of leave without pay of more than thirty (30) calendar days will receive a prorated share of the "Annual Longevity Payment" authorized in subsection D of this section. The prorated amount of payment will be based on actual hours worked in the immediately preceding twelve (12) months.

M. An employee shall not be entitled to retroactive longevity payments as a result of amendments to this section unless specifically authorized by law.

N. The Administrator of the Office of Personnel Management is authorized to promulgate such Longevity Pay Plan Rules as he or she finds necessary to carry out the provisions of this section.

O. The University Hospitals Authority Model Personnel System shall be exempt from the provisions of this section.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.9, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1994, Section 840-5.3), is amended to read as follows:

Section 840-5.3 A. The following offices, positions and personnel shall not be considered state employees except as otherwise provided by law:

1. Patient and inmate help in the state charitable, mental and correctional institutions;

2. Persons engaged in public work for the state, but employed by contractors when the performance of such contract is authorized by the Legislature or other competent authority;

3. All employees of all public school districts; and

4. Officers and members of the Oklahoma National Guard, as such.

B. Those employees of the State Department of Rehabilitation Services at the Oklahoma School for the Blind and the Oklahoma School for the Deaf listed in subsection B of Section 1419 of Title 10 of the Oklahoma Statutes shall be considered state employees, except they shall not be considered state employees for the purposes of the Oklahoma Personnel Act, unless otherwise provided.

SECTION 4. AMENDATORY Section 14, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1994, 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 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 ~~act~~ 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. Affirmative Action Officer;
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. ~~Director, Student Assessment and Program Development;~~
- ~~16. Teachers, Vocational Teachers, Career Vocational Coordinator and Head School Librarian;~~
- ~~17. School Psychologists and Mental Health Counselor;~~
- ~~18. Occupational Therapist, Physical Therapist, Orientation and Mobility Specialists/OSB and Independent Living Skills Supervisor;~~
- ~~19~~ 16. Licensed Practical Nurses, Nursing Services Supervisor and LPN Supervisor;
- ~~20. Speech Services Supervisor and Speech Language Pathologists;~~
- ~~21~~ 17. Transportation Officers and Bus Drivers; and
- ~~22~~ 18. Disability Medical Consultant II and Disability Medical Consultant III.

SECTION 5. A. Effective July 1, 1995, classified state employees who meet the criteria established in this section shall receive a salary increase equal to the difference of the amount of their base pay after a voluntary demotion and the base pay after such demotion if their base pay had only been reduced by two steps. Provided, such employees must meet the following criteria:

1. Are employees of the State Department of Rehabilitation Services on July 1, 1995;
2. Received the mandatory one-step increase effective December 1, 1992, pursuant to subsection A or B of Section 23, Chapter 367, O.S.L. 1992;
3. Accepted voluntary demotion in lieu of being separated from the Department of Human Services as a result of a reduction-in-force

following reorganization on or after December 1, 1992, and before July 1, 1993; and

4. Received a reduction in salary greater than two steps in order to place them within the salary range of the class to which they were demoted.

B. Such employees who meet the criteria established in subsection A of this section shall receive a one-time payment, in an amount equal to the difference of the amount of their base pay after the voluntary demotion and the base pay after such demotion if their base pay had only been reduced by two steps, for the period between the effective date of the voluntary demotion and June 30, 1995.

SECTION 6. Section 5 of this act shall not be codified in the Oklahoma Statutes.

SECTION 7. This act shall become effective July 1, 1995.

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.

45-1-5142

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