

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2496

By: Cox and Toure of the
House

and

Monson of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government; requiring certain percentage of positions at the Oklahoma Health Care Authority to be classified; setting time limitation; requiring certain list; requiring the granting of permanent or probationary status to certain employees; authorizing certain percentage of positions at the Oklahoma Health Care Authority to be unclassified; requiring certified list; requiring classification; requiring agency cooperation; providing procedures for completing descriptions of positions; providing procedures for initial classifications; authorizing minimum qualifications and prohibiting reduction in salaries; making certain conditions of employment subject to Merit System of Personnel Administration; providing for consideration of act; providing for noncodification; providing for codification; and declaring an emergency.

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

SECTION 1. A. Effective December 1, 1998, at least seventy-five percent (75%) of all positions of the Oklahoma Health Care Authority shall be classified. Unclassified employees who are occupying the positions on December 1, 1998, shall become classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act.

B. By July 1, 1998, the Administrator of the Oklahoma Health Care Authority shall submit to the Office of Personnel Management a list of positions to be classified effective December 1, 1998.

C. All incumbent employees occupying positions listed pursuant to subsection B of this section shall be granted permanent or probationary status in the classified service pursuant to Section 840-4.2 of Title 74 of the Oklahoma Statutes. The employees shall be assigned to the Merit System classification to which the position occupied by the employee is allocated by the Administrator of the Office of Personnel Management.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-5.17 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. 1. Effective July 1, 1999, in addition to offices, positions, and personnel in the unclassified service pursuant to Section 840-5.5 of Title 74 of the Oklahoma Statutes, a maximum of seven percent (7%) of full-time-equivalent (FTE) positions authorized by law to the Oklahoma Health Care Authority may be in the unclassified service, provided the Administrator of the Oklahoma Health Care Authority certifies that each position so designated as unclassified meets at least one of the following criteria:

- a. any incumbent in the position reports directly to the Administrator of the Oklahoma Health Care Authority or provides support directly to the Oklahoma Health Care Authority Board, or
- b. the duties of the position are primarily administrative or managerial in nature and involve establishing broad policies or program direction for the Authority.

2. Effective July 1, 1999, all other offices, positions, and personnel of the Oklahoma Health Care Authority shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act and rules promulgated thereunder.

3. The Administrator of the Oklahoma Health Care Authority shall certify a list of the positions designated as unclassified pursuant to paragraph 1 of this subsection to the Office of Personnel Management before July 1, 1999, and annually thereafter.

4. a. Unclassified employees who are occupying positions which become subject to the provisions of the Merit System on July 1, 1999, shall become classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act.
- b. All incumbent employees subject to subparagraph a of paragraph 4 of this subsection shall be granted permanent or probationary status in the classified service pursuant to Section 840-4.2 of Title 74 of the Oklahoma Statutes. The employees shall be assigned to the Merit System classification to which the position occupied by the employee is allocated by the Administrator of the Office of Personnel Management.

B. The Administrator of the Oklahoma Health Care Authority shall cooperate with the Administrator of the Office of Personnel Management to provide the necessary information and documentation so that positions may be properly allocated and appropriate classifications may be developed as required by this act.

C. The Administrator of the Office of Personnel Management and the Administrator of the Oklahoma Health Care Authority shall cooperate to implement the provisions of this act.

D. 1. The Office of Personnel Management shall not require employees who become classified pursuant to this act to independently complete descriptions of the positions they occupy. The descriptions may be completed by the Administrator of the Oklahoma Health Care Authority, provided that each employee shall be given a copy and any employee who wishes to do so may independently complete a position description questionnaire furnished by the Office of Personnel Management.

2. If the employee elects to complete the questionnaire, the Oklahoma Health Care Authority shall submit the completed questionnaire to the Office of Personnel Management for review of the completed questionnaire when determining the relevant position allocation.

3. For initial classification, employees whose positions are allocated pursuant to this subsection shall not be required to possess the minimum qualifications or to pass any required examinations, and their salaries shall not be reduced. Thereafter, the provisions and conditions of their employment shall be subject to the provisions of the Merit System of Personnel Administration.

E. Nothing in this act shall be construed as creating, establishing, or conveying any property interest to employees retained in the unclassified service.

SECTION 3. NONCODIFICATION The provisions of Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 4. 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.

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