

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2737

By: Hamilton and Askins of
the House

and

Rozell of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to state government; amending 74 O.S. 1991, Sections 150.8, as amended by Section 2, Chapter 153, O.S.L. 1996 and 150.21 (74 O.S. Supp. 1997, Section 150.8), which relate to the Oklahoma State Bureau of Investigation; clarifying status of certain personnel of the Bureau; modifying authority of Bureau to employ attorneys; amending 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-5.5), and as last amended by Section 1 of Enrolled Senate Bill No. 849 of the 2nd Session of the 46th Oklahoma Legislature, and Section 10 Chapter 242, O.S.L. 1994, as amended by Section 3, Chapter 309, O.S.L. 1995, Section 13, Chapter 242, O.S.L. 1994, as last amended by Section 2, Chapter 327, O.S.L. 1996, Section 14, Chapter 242, O.S.L. 1994, as last amended by Section 3, Chapter 327, O.S.L. 1996, and Section 1, Chapter 412, O.S.L. 1997 (74 O.S. Supp. 1997, Sections 840-5.8, 840-5.11, 840-5.12 and 840-5.18), which relate to the Oklahoma Personnel Act; clarifying and modifying positions in the unclassified service of this state; clarifying that unclassified positions in certain state agencies remain unclassified; clarifying status of the personnel of the Oklahoma Turnpike Authority; amending 74 O.S. 1991, Section 1204, which relates to the Oklahoma Indian Affairs Commission; placing the offices, positions, and personnel of the Commission in the unclassified service of the state; repealing 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1 of Enrolled Senate Bill No. 949 of the 2nd Session of the 46th Oklahoma Legislature, and 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 5 of Enrolled House Bill No. 2746 of the 2nd Session of the 46th Oklahoma Legislature, which are duplicate sections relating to the Oklahoma Personnel Act; providing for codification; providing for noncodification; providing for recodification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 150.8, as amended by Section 2, Chapter 153, O.S.L. 1996 (74 O.S. Supp. 1997, Section 150.8), is amended to read as follows:

Section 150.8 A. The Director shall appoint as employees only persons of outstanding honesty, integrity and ability. An agent, at the time of ~~his~~ appointment to the Bureau, shall be at least twenty-one (21) years of age and shall possess a bachelor's degree from an accredited college or university.

B. The officers and agents of the Oklahoma State Bureau of Investigation, and such other employees as the Director of the Bureau of Investigation shall designate to perform duties in the investigation and prevention of crime and the enforcement of the criminal laws of the state, shall have and exercise all the powers and authority of peace officers, including the right and power of search and seizure.

C. The probationary period for any agent or criminalist appointed to the Bureau shall include six (6) months in addition to the required probationary period prescribed by the regulations of the Merit System of Personnel Administration.

D. ~~The Director and the Deputy Director, their executive secretaries and the attorney of the Bureau shall be exempt from the Merit System of Personnel Administration.~~ Any employee in a classified position under the Merit System of Personnel Administration who is appointed Director, Deputy Director, Acting Director or Acting Deputy Director shall have a right to return to the classified service without any loss of rights, privileges or benefits immediately upon completion of ~~his~~ the duties of the employee provided ~~said~~ the employee is not otherwise disqualified.

E. All other employees of the State Bureau of Investigation shall be in the classified service of the state and members of the Merit System of Personnel Administration, unless otherwise provided by law.

F. Appointment to any position in the State Bureau of Investigation shall not jeopardize the rights of any person under

any other system under which peace officers of this state or its subdivisions may become pensioned, provided that the individual contributions are continued as if such person were in the original organization within which ~~he~~ the person qualified for such pension.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 150.21, is amended to read as follows:

Section 150.21 The Oklahoma State Bureau of Investigation shall establish or provide for a legal division and the Director may employ ~~an attorney~~ two attorneys as needed, which ~~attorney~~ attorneys, in addition to advising the Director, the Commission and employees of the Bureau on legal matters, may appear for and represent the Director, the Commission and employees of the Bureau in administrative hearings and other legal actions and proceedings. ~~Provided, that no~~ No Bureau attorney shall enter an appearance in a criminal action nor engage in private practice of the law while in the employment of the Oklahoma State Bureau of Investigation. ~~And further provided that it~~ It shall continue to be the duty of the Attorney General to give ~~his~~ official ~~opinion~~ opinions to and to prosecute and defend actions for the Director, Commission and employees of the Bureau, if requested to do so.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-5.5), and as last amended by Section 1 of Enrolled Senate Bill No. 849 of the 2nd Session of the 46th 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 and seasonal employees employed pursuant to Section 1806.1 of this title who work less than one thousand two hundred (1,200) 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 Department of Public Safety employees occupying the following offices or positions:

- a. 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, and

- b. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor;

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~~ The Oklahoma State System of Higher Education. For purposes of this ~~act~~ section, a student shall be considered a regularly enrolled student if ~~he or she~~ the student 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~~ full-time-equivalent (FTE) 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,
- i. Deputy Conservation Director,
- j. Manager of Pollution Abatement,
- k. Manager of Field Operations,
- l. Manager of Technical Services,
- m. Public Utility Division Chief of Telecommunications,
and
- n. Director of Information Services;

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 and Substance Abuse 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~~ Division 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 Oklahoma 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 or as otherwise provided for in Section 3213.2 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~~ employees occupying the ~~Special Investigator position and~~ following positions:

- a. two special investigators,
- b. one information representative,
- c. one federally funded physical evidence technician,
- d. four federally funded laboratory analysts,
- e. one Data Base Administrator,
- f. two Data Processing Branch Managers,
- g. four Senior Data Processing Applications Specialists,
- h. a total of three positions from the following classes: Senior Data Processing Systems Specialists,

Data Processing Applications Specialists, or Data Processing Systems Specialists,

- i. one Senior Computer Services Technician, or Computer Services Technician,
- j. one Senior Computer Services Coordinator, or Computer Services Coordinator, and
- k. 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.~~ 33. 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.~~ 34. Within the Oklahoma State 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, and
- c. one fiscal officer;

~~36.~~ 35. A maximum of one hundred (100) positions, within full-time-employee limitations of the ~~Oklahoma~~ Oklahoma Military Department of the State of Oklahoma, 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.~~ 36. 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.~~ 37. 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,
- d. one Director of Special Projects,
- e. three postauditors, and
- f. four high-technology contracting officers;

~~39.~~ 38. One Environmental Specialist I and four Water Resources Division Chiefs within the Oklahoma Water Resources Board;

~~40.~~ 39. 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.~~ 40. The Development Officer and the Director of the State Museum of History within the Oklahoma Historical Society;

~~42.~~ 41. 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,~~
- d. one Administrator for Human Resources,
- e. one Director of Administrative Services, and
- f. one Water Quality Consumer Complaint Coordinator;

~~43.~~ 42. The Contracts Administrator within the Oklahoma State Employees Benefits Council;

43. The Development Officer within the Oklahoma Department of Libraries;

44. The Educational Program Director and Data Processing Manager within the Oklahoma Real Estate Commission;

45. A Chief Consumer Credit Examiner for the Department of Consumer Credit; and

46. All officers and employees of the Oklahoma Capitol Complex and Centennial Commemoration Commission.

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; and
5. Licensed pharmacists.

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.

D. Agencies having a need to convert and test databases to accommodate the change of the millennium may appoint unclassified programmers, programmer analysts, and systems analysts to perform the work. Appointments so made shall expire not later than June 30, 2000, shall not be included within any limitation on full-time-equivalent (FTE) employee positions for the agency, and shall not be counted against authorized limits for unclassified appointments. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation with the same agency under the provisions of this subsection; provided, the leave shall expire not later than June 30, 2000. Employees accepting the appointment and compensation shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of unclassified appointment pursuant to this subsection, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job classification and compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence.

SECTION 4. AMENDATORY Section 10, Chapter 242, O.S.L. 1994, as amended by Section 3, Chapter 309, O.S.L. 1995 (74 O.S. Supp. 1997, Section 840-5.8), is amended to read as follows:

Section 840-5.8 A. The Oklahoma Tax Commission 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~~ the Oklahoma Personnel 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. One private secretary for each Tax Commissioner; all revenue administrators, the budget officer and the comptroller of the Tax Commission;
2. All ~~administrators and~~ revenue unit managers ~~in the Management Information Services Division;~~
3. All Computer Programming Systems Specialist positions;
4. All Data Processing Programmer Analyst Supervisor and Data Processing Programmer Analyst III positions;
5. All Public Affairs Officer and Assistant Public Affairs Officer positions;
6. The Public Information Officer; and
7. All Tax Economist and Tax Policy Analyst positions; ~~and~~
8. ~~The Computer Assisted Mass Appraisal Supervisor.~~

SECTION 5. AMENDATORY Section 13, Chapter 242, O.S.L. 1994, as last amended by Section 2, Chapter 327, O.S.L. 1996 (74 O.S. Supp. 1997, 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 Director of the Department of Corrections may establish positions in the unclassified service and place employees in those positions provided the total number of unclassified positions does not exceed six percent (6%) of the total full-time-equivalent employee limit established for the Department of Corrections. Any

~~unclassified positions listed in subparagraphs a through f of this paragraph~~ established for the Oklahoma State Industries 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~~ employee 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 6. AMENDATORY Section 14, Chapter 242, O.S.L. 1994, as last amended by Section 3, Chapter 327, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-5.12), is amended to read as follows:
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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~~ Director of the Department of Rehabilitation Services may establish positions in the unclassified service and place employees in the positions provided the total number of unclassified positions does not exceed fifty-two (52). This limit does not include Department of Rehabilitation Services employees subject to Section 840-5.3 of this title.

SECTION 7. Unclassified positions in the Department of Corrections and the State Department of Rehabilitation Services occupied on the effective date of this act shall be included in the unclassified limits established by Sections 840-5.11 and 840-5.12 of Title 74 of the Oklahoma Statutes. Unclassified incumbents holding such positions on the effective date of this act shall retain their unclassified status.

SECTION 8. AMENDATORY Section 1, Chapter 412, O.S.L. 1997 (74 O.S. Supp. 1997, Section 840-5.18), is amended to read as follows:

Section 840-5.18 A. All offices, positions and personnel of the Oklahoma Public Employees Retirement System shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act, Section 840.1 et seq. of this title. This section shall supersede and repeal any and all executive orders issued pursuant to ~~this act~~ the Oklahoma Personnel Act to place the agency 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 ~~services~~ service:

1. The Chief Investment Officer;
2. One Administrative Assistant;
3. Two positions associated with the Severance Program; ~~and~~
4. One additional position; and
5. Four professional-level data processing positions.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-5.21 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. All offices, positions, and personnel of the Oklahoma Turnpike Authority shall be classified and subject to the provisions of the Merit System of Personnel Administration as provided in the Oklahoma Personnel Act. This section shall supersede and repeal any and all Executive Orders issued pursuant to the Oklahoma Personnel Act to place the Authority 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 positions and personnel shall be in the unclassified service:

1. Information Technology Analysts;
2. Process Integration Specialists;
3. Project Managers;
4. System Integration Specialists; and
5. One Administrative Assistant.

SECTION 10. AMENDATORY 74 O.S. 1991, Section 1204, is amended to read as follows:

Section 1204. ~~Effective July 1, 1982, all employees~~ All offices, positions, and personnel of the Oklahoma Indian Affairs Commission, ~~shall become classified and subject to the provisions of the Merit System of Personnel Administration, provided that the Director shall remain in the unclassified service. Each incumbent employee who shall become classified as provided by this section shall be granted status in the classified service without the need to pass examinations or meet additional qualifications~~ be in the unclassified service. All future appointees to positions in the Oklahoma Indian Affairs Commission shall be in the unclassified service.

SECTION 11. REPEALER 74 O.S. 1991, Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1 of Enrolled Senate Bill No. 949 of the 2nd Session of the 46th Oklahoma Legislature, and 74 O.S. 1991,

Section 840.8, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 5 of Enrolled House Bill No. 2746 of the 2nd Session of the 46th Oklahoma Legislature, are hereby repealed.

SECTION 12. NONCODIFICATION The provisions of Section 7 of this act shall not be codified in the Oklahoma Statutes.

SECTION 13. RECODIFICATION 74 O.S. 1991, Section 1204, as amended by Section 10 of this act, shall be recodified as Section 840-5.22 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 14. This act shall become effective July 1, 1998.

SECTION 15. 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.

46-2-11804 GH