

ENROLLED HOUSE  
BILL NO. 2270

By: Dunegan of the House

and

Dickerson of the Senate

An Act relating to the Oklahoma Personnel Act; amending 74 O.S. 1991, Section 841.16, as amended by Section 18, Chapter 367, O.S.L. 1992, and as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.17), which relates to employee service rating systems; authorizing the Office of Personnel Management to make available employee service rating systems; updating statutory citations; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 841.16, as amended by Section 18, Chapter 367, O.S.L. 1992, and as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.17), is amended to read as follows:

Section 840-4.17 A. Each agency shall adopt and maintain a system of employee service ratings. The Office of Personnel Management shall make available a one or more standard ~~system~~ systems for this purpose, but an appointing authority may develop a separate system, subject to approval of the Administrator of the Office of Personnel Management. The purpose of ~~the system of~~ employee service rating systems is to evaluate the performance of each regular classified, unclassified and exempt employee in the executive branch of state government except those in the exempt unclassified service as specified in paragraphs 1 and 2 of subsection A of Section ~~840-8~~ 840-5.5 of this title and those employees employed by the institutions under the administrative authority of The Oklahoma State System of Higher Education. The Administrator of the Office of Personnel Management, on or before January 1 of each year, shall submit a report to the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor identifying those state agencies that have complied with the provisions of this section.

B. ~~The system~~ Employee service evaluation systems shall provide for the following:

1. An objective evaluation of the employee, by the immediate supervisor, of the performance of the employee within the assigned duties of the job;
2. The identification of the strengths and deficiencies of the employee;
3. Corrective actions, if necessary, to correct deficiencies;
4. An interview with the employee by the immediate supervisor who shall provide the employee with a copy of the service ratings; and

5. The opportunity for the employee to submit written comments regarding the service rating.

C. Each employee shall be rated thirty (30) days prior to the end of the probationary period. Thereafter, each employee shall be rated no less than once each year.

D. Any permanent classified employee who disagrees with his or her individual service rating may file a grievance pursuant to Section ~~841.9~~ 840-6.2 of this title. Any employee, regardless of status, who is required to be rated pursuant to this section and who disagrees with his or her individual service rating may file a complaint through any other dispute resolution process made available through the employing agency or the Oklahoma Merit Protection Commission. The Oklahoma Merit Protection Commission shall not have jurisdiction to investigate or hear appeals of individual service ratings.

E. The agency shall use the service ratings of employees in decisions regarding promotions, demotions, performance pay increases and discharges. Reductions-in-force shall not be considered discharges.

F. The agency shall retain a copy of the service rating for each employee of the agency. A copy of the service rating shall be furnished to the Administrator of the Office of Personnel Management for review to determine compliance with the provisions of this section and shall be retained in the file on the employee.

SECTION 2. 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 House of Representatives the 7th day of April, 1998.

Speaker of the House of  
Representatives

Passed the Senate the 1st day of April, 1998.

President of the Senate