

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3182

By: Steidley

AS INTRODUCED

An Act relating to the Oklahoma Personnel Act;
amending 74 O.S. 1991, Sections 840.5, as last
renumbered by Section 24, Chapter 310, O.S.L. 1995,
and as last amended by Section 2, Chapter 320,
O.S.L. 1996 and 840.16, as amended by Section 22,
Chapter 242, O.S.L. 1994, and as renumbered by
Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp.
1997, Sections 840-1.6A and 840-4.6), which relate
to the Office of Personnel Management and pay
structures; modifying duties of the Administrator
of the Office of Personnel Management; providing
for shift differential pay for certain employees;
providing for codification; 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 840.5, as
last renumbered by Section 24, Chapter 310, O.S.L. 1995, and as last
amended by Section 2, Chapter 320, O.S.L. 1996 (74 O.S. Supp. 1997,
Section 840-1.6A), is amended to read as follows:

Section 840-1.6A There is hereby created the Office of
Personnel Management. The chief administrative officer of said

Office of Personnel Management shall be the Administrator who shall be experienced in the field, theory, and application of personnel administration. The Administrator shall be appointed by the Governor with the confirmation of the Senate, and serve at the Governor's pleasure. In addition to the other duties imposed by law, the Administrator shall:

1. Be responsible for the development of an efficient and effective system of personnel administration that meets the management needs of the various agencies;

2. Effective July 1, 1995, organize the Office to provide both service and regulatory functions that are effective and efficient in meeting the management needs of various state agencies. The Administrator is directed to establish an agency service function to assist agencies with human resource needs based upon the administrative capacity and resources of the various agencies;

3. Prepare, maintain, and revise a classified system of employment designed to assure the impartial consideration of applicants for employment and to protect state employees from arbitrary dismissal or unfair treatment;

4. Develop and maintain a classification and compensation system for all classified positions in the executive branch of state government including those established by the Oklahoma Constitution;

5. Conduct an analysis of the rates of pay prevailing in the state in the public and private sectors for comparable jobs and report the findings to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than November 1 of each year. Such analysis shall include all forms of compensation including fringe benefits;

6. Develop a program for the recruitment of qualified persons, including the administration of valid job-related nondiscriminatory selection procedures providing for competitive examinations when

practical and for reasonable selection criteria when competitive examinations are not practical;

7. Implement state affirmative action policies, and assure equal employment opportunity;

8. Develop and implement a reasonable and expeditious method for referral of capable candidates for vacancies, probationary periods of employment, and the employment of individuals on other types of appointments as necessary;

9. Assist state agencies in implementing their duties and obligations pursuant to the Oklahoma Personnel Act, Section 840-1.1 et seq. of this title, and provide standard forms to the agencies if necessary;

10. Develop, in cooperation with appointing authorities, employee training programs, management training programs, a certified public manager program, a recruiting program, and a system of performance appraisals, and assist appointing authorities in the setting of productivity goals. The Administrator may establish and collect fees for participation in training programs;

11. Establish leave and pay regulations, regulations for performance pay increases, and rates not otherwise established by law for pay differentials, on-call pay, and other types of pay incentives and salary adjustments;

12. Prepare and submit an annual budget covering the costs of administering the personnel program;

13. Make an annual report regarding the work of the Office of Personnel Management;

14. Adopt and implement rules and regulations necessary to perform the duties imposed by law on the Office of Personnel Management in accordance with the provisions of the Administrative Procedures Act. All rules adopted by the Oklahoma Merit Protection Commission shall remain in full force and effect until modified by the appropriate authority;

15. Assist the Oklahoma Merit Protection Commission and the Executive Director in effectuating their duties, enforcement of the rules of the Merit System of Personnel Administration, and implementation of corrective action issued by the Commission;

16. Be responsible for the development and maintenance of a uniform occupation code system, grouped by job titles or duties, for all classified, unclassified, and exempt state positions. Said responsibility shall include the establishment of rules governing the identification, tracking, and reporting of all state positions as provided in Section 840-2.13 of this title;

17. Be responsible for advising state agencies on personnel policy and administration; and

18. Establish standards for continuing training, including affirmative action, and certification of personnel professionals in the executive branch of state government, excluding institutions within The Oklahoma State System of Higher Education. Employees appointed to professional personnel positions shall complete an initial training program within six (6) months after assuming the professional personnel position. Thereafter, they shall complete annual training requirements. Each appointing authority shall ensure that all professional personnel employees are notified of, and scheduled to attend, required training programs and shall make time available for employees to complete the programs. The Administrator shall be authorized to bill agencies for the training of personnel professionals pursuant to this paragraph to recover reasonable costs associated with the training. Monies received for such training shall be deposited in the Office of Personnel Management Revolving Fund. Expenditure of such funds collected for the training shall be exempt from any expenditure limit on the Office of Personnel Management established by law.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 840.16, as amended by Section 22, Chapter 242, O.S.L. 1994, and as renumbered

by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1997, Section 840-4.6), is amended to read as follows:

Section 840-4.6 A. The State of Oklahoma, to recruit, retain and motivate a quality workforce for the purpose of providing quality services to the citizens of Oklahoma, shall provide a pay structure based on internal equity and external competitiveness balanced by the state's fiscal conditions. The state's goal shall be to provide a flexible and adaptable state employee pay system based on the market data found in relevant public and private sector markets.

B. The Administrator of the Office of Personnel Management shall develop a salary schedule and pay lines as appropriate to meet the needs of agencies. The schedule shall reflect the minimum and maximum salaries for each grade listed.

C. The Administrator shall design a compensation system for all classified state employees. The system may include, but shall not be limited to:

1. Entrance rates above the minimum;

2. Competitive area pay and pay differentials not otherwise provided by law, including on-call pay, shift pay, and hazardous duty pay; and

3. Salaries on reclassifications, promotions, demotions, and detail to special duty.

D. All executive branch state agencies who employ personnel in the unclassified service of the state, whose salaries are not prescribed by law, shall establish salary schedules for such employees.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-4.6A of Title 74, unless there is created a duplication in numbering, reads as follows:

Effective July 1, 1998, any state employee whose employment with the state requires that the employee work a shift that begins

between the hours of 5:59 p.m. and 6:00 a.m. shall receive a shift pay differential. The employee shall receive a minimum of twenty-five cents (\$0.25) an hour in addition to the hourly wage of the employee for as long as the employee is assigned to the shift.

SECTION 4. This act shall become effective July 1, 1998.

SECTION 5. 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.

46-2-8561

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