

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3318

By: Paulk

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Section 840.22A, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 17, Chapter 363, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-2.14), which relates to the Oklahoma Personnel Act; specifying method by which the Governor may declare a state hiring freeze; adding a definition; 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 840.22A, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 17, Chapter 363, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-2.14), is amended to read as follows:

Section 840-2.14 A. The intent of the Legislature is to increase individual agency skill and accountability in managing the costs associated with personnel and in applying controls that will enhance the ability of the State of Oklahoma to manage the overall costs of human resources as efficiently as possible, while continuing to maintain fairness to employees.

B. All agencies, boards, and commissions shall report all reallocation decisions for both classified and unclassified positions and all adjustments to pay grades or salary assignments for classes in the unclassified service to the Office of Personnel Management on a quarterly basis. The Office of Personnel Management shall submit the quarterly reports to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives, along with an analysis of statewide reallocation decisions.

C. All agencies, boards, and commissions shall report to the Office of Personnel Management on a quarterly basis all transactions in both the classified and unclassified service involving the establishment of new positions that have not been authorized specifically by legislative action. The Office of Personnel Management shall forward the quarterly reports to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives, accompanied by an analysis of agency decisions concerning such positions.

D. 1. As a further control on human resource costs, the Governor, by executive order, may declare a financial emergency ~~or~~ and implement a freeze in hiring, by declaring this section to be in effect, provided, however, As used in this subsection, "financial emergency" means a period of time when funds available for appropriation by the Legislature increase by less than one percent (1%) from the previous fiscal year or when there is a revenue failure in the General Revenue Fund causing the funding to agencies to be reduced.

2. The State Insurance Fund and the University Hospitals Authority, including all hospitals or other institutions operated by the University Hospitals Authority, shall not be subject to the provisions of this subsection. The State Insurance Fund shall not be subject to the provisions of this subsection.

3. During ~~such periods~~ a freeze in hiring, no audits of classified positions or reallocation of unclassified positions shall be initiated or conducted at the request of an agency except at the direction of the Governor. The provisions of the Oklahoma Personnel Act relating to agency-requested audits may be suspended during ~~such periods~~ a freeze in hiring to the extent that they are in conflict with this section. ~~Provided, an~~ An audit at the request of an employee who files a classification grievance shall be conducted during ~~such periods~~ a freeze in hiring in accordance with the provisions of Section 840-4.3 of this title.

E. The Office of Personnel Management shall establish due dates and specify the format for reports required by this section. Agencies that do not respond by the due dates shall be identified in a special section of the quarterly analysis reports forwarded to the Governor, President Pro Tempore of the Senate and Speaker of the House of Representatives.

F. The provisions of this section shall not be construed to suspend the responsibility of any agency to ensure that the duties and responsibilities assigned to an employee are consistent with the current classification of the employee.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. 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.

46-2-9338

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