

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3336

By: Steidley

AS INTRODUCED

An Act relating to public employees; providing for a salary increase for certain state employees; requiring the Administrator of the Office of Personnel Management to provide certain report; authorizing grade changes and salary adjustments for certain data processing personnel; amending 74 O.S. 1991, Section 840.16b, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 16, Chapter 290, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-2.17), which relates to state employee salary adjustments; modifying procedures by which agencies may give salary increases to employees; providing for noncodification; and declaring an emergency.

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

SECTION 1. A. Effective July 1, 1998, all classified and unclassified employees of the state shall be awarded a ____ percent (___%) pay increase based on their annualized base salary, excluding longevity pay and any other differential pay and allowances. Provided further, the amount of the increase authorized pursuant to

this subsection shall not be reduced or eliminated if it causes an employee's salary to exceed the maximum rate for a grade.

B. This section shall not apply to:

1. State officers and employees whose salaries are otherwise provided by law;

2. Persons on temporary, seasonal, student or other limited term appointments, except for Carl Albert Executive Fellows appointed pursuant to paragraph 10 of Section 840-5.5 of Title 74 of the Oklahoma Statutes;

3. Persons employed pursuant to Sections 1806.1 and 1825 of Title 74 of the Oklahoma Statutes;

4. Persons employed pursuant to Section 1.6a of Title 53 of the Oklahoma Statutes;

5. Officers and employees of institutions under the administrative authority of the State Regents for Higher Education;

6. Persons employed pursuant to paragraph 12 of Section 840-5.5 of Title 74 of the Oklahoma Statutes;

7. Persons who are employed or under contract pursuant to Section 1419 of Title 10 of the Oklahoma Statutes; or

8. Persons who will be awarded an increase during the fiscal year beginning July 1, 1998, pursuant to Section 864 of Title 82 of the Oklahoma Statutes.

C. Employees who are on leave-without-pay on July 1, 1998, shall receive an annualized increase, effective upon their return to work.

D. Employees who leave the state service before July 1, 1998, and who are reinstated or reemployed in state service during July 1998, without a break-in-service, who are otherwise eligible for the pay increase provided for in this section shall be granted the raise effective immediately upon such reinstatement or reemployment. As used in this paragraph, "break-in-service" means a period of time in

excess of thirty (30) calendar days between two periods of state employment.

SECTION 2. A. 1. The Administrator of the Office of Personnel Management shall consult with agencies that would be affected by assigning higher grades to data processing classes pursuant to recommendations in the 1998 Annual Compensation Report published by the Office of Personnel Management. Not later than April 1, 1998, the Administrator shall submit a data processing grade change report to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives listing the Merit System data processing classes that are to be assigned higher grades effective July 1, 1998, and the corresponding new grade for each class.

2. Effective July 1, 1998, the Administrator shall implement the grade adjustments for classes as listed in the data processing grade change report submitted pursuant to paragraph 1 of this subsection.

B. 1. Effective July 1, 1998, the base salaries of classified employees in data processing classes assigned to a higher grade pursuant to subsection A of this section shall be increased by __ percent (__%) of each employee's June 30, 1998, base salary.

2. Appointing authorities of unclassified employees in data processing jobs that are covered by the description of a class assigned to a higher grade pursuant to subsection A of this section shall increase the base salaries of such employees effective July 1, 1998. The amount of such increase shall be __ percent (__%) of each employee's June 30, 1998, base salary.

3. Salary increases granted to employees pursuant to this section shall be posted after any and all other salary transactions for such employees. Employees receiving any salary increase pursuant to this section shall not be eligible for the general salary increase pursuant to this act. Provided further, the __ -

percent increase authorized pursuant to this subsection shall not be reduced or eliminated if it causes an employee's salary to exceed the maximum rate for a grade.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.16b, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 16, Chapter 290, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-2.17), is amended to read as follows:

Section 840-2.17 A. Unless otherwise provided by the Oklahoma Constitution, language in law which authorizes the setting or fixing of compensation, pay or salary of state officers and employees shall not be construed to authorize any agency, board, commission, department, institution, bureau, executive officer or other entity of the executive branch of state government to award, grant, give, authorize, or promise any officer or employee of the State of Oklahoma a raise except as herein provided. The term "raise" includes, but is not limited to, increases in pay, wages and salaries, commonly known as "merit increases", "performance pay increases", "salary adjustments", "in-grade increases", "between-grade increases", and "step increases". ~~Such raises are prohibited unless authorized by the Legislature and by Merit System of Personnel Administration Rules promulgated by the Administrator. This prohibition applies to all classified, unclassified and exempt officers and employees in the executive branch of state government, excluding institutions under the administrative authority of the State Regents for Higher Education, and all employees in the University Hospitals Authority Model Personnel System created pursuant to Section 3211 of Title 63.~~ Raises may be granted pursuant to this subsection to address retention problems within an agency and to meet other agency needs. Before granting any such raise, other than as prescribed by law, to any officer or employee, the appointing authority of any agency shall submit a justification

to the Director of the Office of State Finance documenting that the raise:

1. Can be implemented for the current fiscal year and the subsequent fiscal year without the need for additional funding to increase the personal services budget of the agency;

2. Is necessary to address retention problems within the agency; and

3. Meets the specific needs of the agency.

In addition, raises for classified employees shall be consistent with rules for the Merit System of Personnel Administration adopted by the Administrator who shall be authorized to adopt such rules for raises as the Administrator finds desirable to meet the needs of the classified service.

B. ~~However, nothing~~ Nothing in this section shall be construed to prohibit the following actions if the action is made in good faith and not for the purpose of circumventing subsection A of this section, ~~and if the appointing authority certifies that the action can be implemented for the current fiscal year and the subsequent fiscal year without the need for additional funding to increase the personal services budget of the agency:~~

1. Salary advancements on promotion or direct reclassification to a job classification with a higher grade;

2. Salary adjustments resulting from a grade change for a class adopted by the Office of Personnel Management;

3. Increases in longevity payments pursuant to Section ~~805.2~~ 840-2.18 of this title;

4. Payment of overtime, special entrance rates, pay differentials; or

5. Payment of wages, salaries, or rates of pay established and mandated by law.

C. ~~Provided however, any~~ Any reclassification for one of the purposes provided in subsection B of this section that would require

additional funding by the Legislature shall not be implemented without approval of the Legislature.

SECTION 4. NONCODIFICATION The provisions of Sections 1 and 2 of this act shall not be codified in the Oklahoma Statutes.

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.

46-2-9337

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