

SHORT TITLE: State employees; salary increases; requiring
justification document. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1110

By: Snyder

AS INTRODUCED

An Act relating to state employees; 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 salary increases; deleting certain prohibitions for raises for certain employees; granting authority for salary increases; requiring a justification document; specifying content of justification document; granting authority for Administrator to adopt certain rules; deleting certain certification requirement; updating statutory cite; 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 840-16b, 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. Except as otherwise provided by law, before granting any such raise 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 such raise shall meet the following criteria:

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

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

3. Meets the agency's specific needs.

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 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, or pay differentials; or

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

C. Provided however, 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 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.

46-2-2368

SJ