STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 992 By: Morgan

COMMITTEE SUBSTITUTE

[law enforcement officers - Department of Public Safety - salary increases - future step increases - Lake Patrol - Highway Patrol - effective date - emergency]

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-105, as last amended by Section 3, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1999, Section 2-105), is amended to read as follows:

Section 2-105. A. The Commissioner, subject to the Oklahoma Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, shall appoint:

1. A Chief of the Highway Patrol Division with the rank of Colonel, Assistant Chief of the Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Highway Patrol Division, including Colonels, Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant and Patrolmen <u>with the rank of Trooper</u>, who shall comprise the Highway Patrol Division of the Department of Public Safety;

2. A First Lieutenant, Supervisors with the rank of Second Lieutenant, and Patrolmen who shall comprise the Lake Patrol Section of the Oklahoma Highway Patrol Division;

3. A Commander of the Oklahoma Capitol Patrol Division with the rank of First Lieutenant, Supervisors with the rank of Second

Lieutenant, Sergeants and Patrolmen, who shall comprise the Oklahoma Capitol Patrol Division of the Department of Public Safety; and

4. A Director of the Communications Division with the rank of Captain, Communications Coordinators with the rank of First Lieutenant, Communications Superintendents with the rank of Second Lieutenant, Communications Supervisors with the rank of Sergeant, Communications Dispatchers, Radio Technicians and Tower Maintenance Officers who shall comprise the Communications Division of the Department of Public Safety.

B. 1. The Commissioner, when appointing commissioned officers and employees to the positions set out in subsection A of this section, shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner.

2. No person shall be appointed to any position set out in subsection A of this section unless the person is a citizen of the United States of America, of good moral character, and:

a. for commissioned officer positions <u>in the Oklahoma Highway Patrol Division and the Oklahoma Capitol Patrol Division of the Department of Public Safety</u>, shall be not less than twenty-one (21) years of age nor more than ~~thirty-five (35)~~ <u>forty-five (45)</u> years of age, <u>provided, any such commissioned officer who is forty-one (41) years of age or older at the time of initial employment shall not be eligible for membership in the Oklahoma Law Enforcement Retirement System but shall be eligible for membership in the</u>

Oklahoma Public Employees Retirement System, and shall possess:

(1) for any person appointed to the Oklahoma Highway Patrol Division on or before December 31, 1998, a minimum of thirty (30) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions,

(2) for any person appointed to the Oklahoma Highway Patrol Division on or after January 1, 1999, an ~~associate~~ associate's degree or a minimum of sixty-two (62) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions, ~~or~~

(3) for any person appointed to the Oklahoma Highway Patrol Division on or after July 1, 2004, a bachelor's degree from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions, or

(4) for any person appointed to the Oklahoma Capitol Patrol Division, a high school diploma or General Educational Development equivalency certificate;

shall possess either six (6) months of previous experience in law enforcement or security work or fifteen (15) successfully completed semester hours from a college or university which is recognized and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions, or

b. for any such position in the Communications Division, a person shall be at least twenty (20) years of age and shall possess a high school diploma or General Educational Development equivalency certificate; shall possess either six (6) months of previous experience as a dispatcher or fifteen (15) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions.

3. No commissioned officer of the Department shall, while in such position, be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

4. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No commissioned officer of the Department, while in the performance of the officer's

assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned officer ~~who is a member~~ of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

5. Drunkenness or being under the influence of intoxicating liquors shall be sufficient grounds for the removal of any commissioned officer of the Department, in and by the manner provided for in this section.

C. 1. Upon initial appointment to the position of Patrolman or Communications Dispatcher, the appointed employee shall be required to serve an initial probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period, the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

2. A commissioned officer of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such officer satisfactorily completes all training requirements prescribed by the Commissioner.

D. 1. No permanent employee, as provided for in this section, who is a commissioned officer of the Department, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons therefor. No such notice shall be given by the Commissioner unless

sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred, the Commissioner may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to pay during the period of such suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

3. Commissioned officers of the Department of Public Safety are not entitled to appeal intraagency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, unless transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma Statutes.

4. The Department of Public Safety shall follow the uniform grievance procedure established and adopted by the Office of Personnel Management for permanent classified employees, except for those employees who are commissioned officers of the Department. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for commissioned officers of the Department which is otherwise in compliance with the provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

E. 1. The Commissioner is hereby authorized to purchase and issue uniforms and necessary equipment for all commissioned officers of the Department. All uniforms and equipment shall be used only in the performance of the official duties of such officers and shall remain the property of the Department, except as provided in Section 2-313 of this title.

2. Each of said commissioned officers assigned to the Department of Public Safety shall be entitled to traveling, telephone, and telegraph expenses while away from the city or town

designated by the Chief of the Oklahoma Highway Patrol Division as headquarters, when such expense is incurred in service of the state.

F. The position of Chief of the Oklahoma Highway Patrol Division shall be filled from the body of commissioned officers of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a commissioned officer of the Oklahoma Highway Patrol Division, length of service, and efficiency of service performed.

G. The Commissioner of Public Safety is hereby authorized to send employees of the Department of Public Safety to such schools as Northwestern University Traffic Institute, Northwestern University Police Administrator's Institute, the National Police Academy conducted by the Federal Bureau of Investigation, or to any other such schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol and the Department of Public Safety.

H. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches ~~fifty-five (55)~~ sixty (60) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner. In the event of future hostilities wherein the Congress of the United States

declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War, any period of military service served by a commissioned officer of the Department shall be considered as continued service with such Department, provided such commissioned officer returns to duty within sixty (60) days after release from military service.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-105.4, as last amended by Section 1, Chapter 120, O.S.L. 1999 (47 O.S. Supp. 1999, Section 2-105.4), is amended to read as follows:

Section 2-105.4 A. 1. Effective ~~January 1, 1999~~ July 1, 2000, the annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, irregular shift pay, as authorized by Section 2-130.1 of this title:

Commissioner of Public Safety $85,000.00

Assistant Commissioner of Public Safety..... ~~$79,214.00~~

$80,006.00

Highway Patrol Colonel ..... ~~$79,214.00~~

$80,006.00

Highway Patrol Lieutenant Colonel ..... ~~$70,727.00~~

$72,090.00

Highway Patrol Major ..... ~~$63,718.00~~

$65,247.00

Highway Patrol Captain ..... ~~$57,926.00~~

$59,315.00

Highway Patrol First Lieutenant ..... ~~$53,143.00~~

$54,418.00

Highway Patrol Supervisor ..... ~~$49,206.00~~

$50,387.00

Highway Patrolman

Step 1 ..... ~~$25,000.00~~

$29,502.00

Step 2 ..... ~~$26,200.00~~

$30,802.00

Step 3 ..... ~~$27,458.00~~

$32,920.00

Step 4 ..... ~~$28,776.00~~

$34,370.00

Step 5 ..... ~~$30,157.00~~

$35,884.00

Step 6 ..... ~~$31,604.00~~

$37,464.00

Step 7 ..... ~~$33,121.00~~

$39,115.00

Step 8 ..... ~~$34,711.00~~

$40,840.00

Step 9 ..... ~~$36,377.00~~

$42,640.00

Step 10 ..... ~~$38,123.00~~

$43,513.00

Step 11 ..... ~~$39,953.00~~

$44,428.00

Step 12 ..... ~~$41,871.00~~

$45,387.00

Step 13 ..... ~~$43,881.00~~

$46,392.00

Step 14 ..... ~~$45,987.00~~

$47,445.00

Probationary Highway Patrolman ..... ~~$24,454.00~~

$28,020.00

Cadet Highway Patrolman ..... ~~$22,348.00~~

$25,414.00

2. After ~~January 1, 1999~~ July 1, 2000, each Highway Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection ~~which step number corresponds to the number of completed years of service the Patrolman has accumulated in the Highway Patrol Division, including service in the former Lake Patrol Division, of the Department of Public Safety~~ if the Patrolman, within the preceding twelve-month period:

a. has achieved a satisfactory Performance Rating Score,

b. has not received any disciplinary action which has resulted in any suspension from the Department for a period of ten (10) or more days, and

c. has not received any disciplinary action which has resulted in demotion.

Provided, if the number of completed years of service on the anniversary date of the Patrolman is or exceeds fourteen (14) years, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 14 of said salary schedule.

3. ~~Notwithstanding the provisions of paragraph~~ Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period no Highway Patrolman shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division.

4. The steps prescribed for the position of Highway Patrolman in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Highway Patrolman shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary ~~increase~~ increases provided for in ~~paragraph 2, 3 or 4~~ paragraphs 1 and 2 of this subsection.

5. ~~The provisions of this subsection shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officer positions in the Highway Patrol Division of the Department of Public Safety.~~

~~6.~~ Upon graduation from the Highway Patrol Academy, each Cadet Highway Patrolman shall be promoted to and shall receive the salary for the position of Probationary Highway Patrolman. Upon completion of the one-year probationary period, as required in subsection C of Section 2-105 of this title, each Probationary Highway Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of Highway Patrolman, as provided for in paragraph 1 of this subsection. Thereafter, the salary of such Patrolman shall be subject to the provisions of this subsection.

B. 1. Effective July 1, 2001, the annual salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers within the Highway Patrol Division shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense

allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Commissioner of Public Safety	$85,000.00
Assistant Commissioner of Public Safety	$80,798.00
Highway Patrol Colonel	$80,787.00
Highway Patrol Lieutenant Colonel	$73,453.00
Highway Patrol Major	$66,775.00
Highway Patrol Captain	$60,705.00
Highway Patrol First Lieutenant	$55,692.00
Highway Patrol Supervisor	$51,567.00
Highway Patrolman	
Step 1	$34,004.00
Step 2	$35,405.00
Step 3	$36,864.00
Step 4	$38,382.00
Step 5	$39,964.00
Step 6	$41,610.00
Step 7	$43,325.00
Step 8	$45,110.00
Step 9	$46,968.00
Step 10	$48,903.00
Probationary Highway Patrolman	$31,585.00
Cadet Highway Patrolman	$28,480.00

2. On July 1, 2001, each Highway Patrolman shall be assigned to, and the salary of each Patrolman shall be adjusted to, the salary schedule provided for in paragraph 1 of this subsection. Such initial adjustment of salaries shall be to the step of the schedule which step number corresponds to the number of completed years of service the Patrolman has accumulated in the Highway Patrol Division, including service in the former Lake Patrol Division, of the Department of Public Safety. If the number of completed years of service of the Patrolman exceeds ten (10) years on July 1, 2001,

then the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

3. After July 1, 2001, each Highway Patrolman shall receive, upon the anniversary date of the Patrolman, an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if the Patrolman, within the preceding twelve-month period:

a. has achieved a satisfactory Performance Rating Score,

b. has not received any disciplinary action which has resulted in any suspension from the Department for a period of ten (10) or more days, and

c. has not received any disciplinary action which has resulted in demotion;

Provided, if the number of completed years of service on the anniversary date of the Patrolman is or exceeds ten (10) years, then the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

4. Except as provided in paragraphs 1, 2 and 3 of this subsection, in any twelve-month period no Highway Patrolman shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, the Patrolman shall receive the salary increase which results from a promotion to another position within the Highway Patrol Division.

5. The steps prescribed for the position of Highway Patrolman in the salary schedule provided for in paragraph 1 of this

subsection are for salary and compensation purposes only. No Highway Patrolman shall be reassigned to another such step of the salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increases provided for in paragraphs 1, 2, and 3 of this subsection.

6. Upon graduation from the Highway Patrol Academy, each Cadet Highway Patrolman shall be promoted to and shall receive the salary for the position of Probationary Highway Patrolman. Upon completion of the one-year probationary period, as required in subsection C of Section 2-105 of this title, each Probationary Highway Patrolman shall be promoted to and shall receive the salary for Step 1 of the position of Highway Patrolman, as provided for in paragraph 1 of this subsection. Thereafter, the salary of such Patrolman shall be subject to the provisions of this subsection.

C. The provisions of this section shall supersede all existing laws covering the salaries for the Commissioner of Public Safety, the Assistant Commissioner of Public Safety and the commissioned officers in the Highway Patrol Division of the Department of Public Safety.

SECTION 3. AMENDATORY Section 6, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1999, Section 2-105.6), is amended to read as follows:

Section 2-105.6 A. ~~Effective July 1, 1998, the Oklahoma Lake Patrol Division of the Department of Public Safety is hereby abolished.~~

~~B.~~ There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Lake Patrol Section which shall consist of such employees as may be necessary to enforce the provisions of Section 4001 et seq. of Title 63 of the Oklahoma Statutes. All commissioned officers of the Lake Patrol Section as designated by the Commissioner shall have the authority to stop and board any vessel subject to Section 4001 et seq. of Title 63 of the

Oklahoma Statutes and make any necessary arrest for violations of Section 4001 et seq. of Title 63 of the Oklahoma Statutes or the rules promulgated by the Department of Public Safety or the Department of Wildlife Conservation or take any other action within their lawful authority. Any statutory references to the Oklahoma Lake Patrol Division shall mean the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

~~C.~~ B. Effective July 1, 1998, all commissioned officers in the Oklahoma Lake Patrol Division of the Department of Public Safety and the powers, duties, responsibilities and authority of said Division are hereby transferred to the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety, as established in subsection ~~B~~ A of this section. Each officer classified as a Senior Lake Patrol Officer (DPS) on June 30, 1998, shall be reclassified as a Patrolman, each officer classified as a Supervisor, Lake Patrol Division (DPS) on June 30, 1998, shall be reclassified as a Patrol Supervisor, with the rank of Second Lieutenant, and each officer classified as a Commander, Lake Patrol Division (DPS) on June 30, 1998, shall be reclassified as a Patrol First Lieutenant as established in subsection ~~F~~ E of this section.

~~D.~~ C. After July 1, 1998, any such officer set out in subsection ~~C~~ B of this section may request reclassification to the equivalent lateral position, rank and salary within the Oklahoma Highway Patrol Division and shall be reclassified to such position if the officer:

1. Meets the requirements of paragraph 2 of subsection B of Section 2-105 of this title. Provided, such officer shall be exempt from the maximum age limitation;

2. Satisfactorily completes a course of training as prescribed by the Commissioner; and

3. Serves a twelve-month probationary period which shall commence upon entering into the course of training required by paragraph 2 of this subsection.

~~E.~~ D. All commissioned officers of the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall have, in addition to their primary duty as prescribed in subsection ~~B~~ A of this section, a secondary duty to enforce all state statutes, to make arrests for violations and to perform other duties as prescribed by the Commissioner.

~~F.~~ E. 1. ~~On July 1, 1998, all patrolmen of the Lake Patrol Section shall be assigned to the salary schedule as provided for in paragraph 2 of this subsection to the step nearest the salary the patrolman was earning June 30, 1998. The sole purpose of this paragraph is to assign each patrolman to a step in conformity with paragraph 2 of this subsection. It is not the intent of this paragraph to modify in any way until January 1, 1999, the salary a patrolman was earning June 30, 1998. Therefore, the annual salary of the patrolman shall not be changed as a result of the new salary schedule and if the salary of the patrolman as of June 30, 1998, does not correspond to one of the new steps, the salary shall remain off step until January 1, 1999.~~

~~2.~~ Effective ~~January 1, 1999~~ July 1, 2000, the annual salaries for the commissioned officers within the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Patrol First Lieutenant	~~$53,143.00~~
	$54,418.00
Patrol Supervisor	~~$49,206.00~~

	$50,387.00
Patrolman	
Step 1	~~$25,000.00~~
	$29,502.00
Step 2	~~$26,200.00~~
	$30,802.00
Step 3	~~$27,458.00~~
	$32,920.00
Step 4	~~$28,776.00~~
	$34,370.00
Step 5	~~$30,157.00~~
	$35,884.00
Step 6	~~$31,604.00~~
	$37,464.00
Step 7	~~$33,121.00~~
	$39,115.00
Step 8	~~$34,711.00~~
	$40,840.00
Step 9	~~$36,377.00~~
	$42,640.00
Step 10	~~$38,123.00~~
	$43,513.00
Step 11	~~$39,953.00~~
	$44,428.00
Step 12	~~$41,871.00~~
	$45,387.00
Step 13	~~$43,881.00~~
	$46,392.00
Step 14	~~$45,987.00~~
	$47,445.00

~~3. On January 1, 1999, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule~~

~~provided for in paragraph 2 of this subsection. Such initial adjustment of salaries shall be to the step which number corresponds to the number of completed years of service said Patrolman has in the commissioned service of the former Lake Patrol Division of the Department of Public Safety. Provided, however, no such Patrolman shall receive less than the salary the Patrolman was receiving on December 31, 1998. If the number of completed years of service of such Patrolman exceeds fourteen (14) years on January 1, 1999, said Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 14 of said salary schedule.~~

~~4.~~ 2. After ~~January 1, 1999~~ July 1, 2000, each Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the next higher step of the salary schedule provided for in paragraph ~~2~~ 1 of this subsection if such Patrolman, within the preceding twelve-month period:

a. has achieved a satisfactory Performance Rating Score,

b. has not received any disciplinary action which has resulted in any suspension from the Department for a period of ten (10) or more days, and

c. has not received any disciplinary action which has resulted in demotion.

~~5.~~ 3. ~~Notwithstanding the provisions of~~ Except as provided in paragraphs ~~3~~ 1 and ~~4~~ 2 of this subsection, in any twelve-month period no ~~patrolman~~ Patrolman shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph ~~2~~ 1 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraph ~~2~~ 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Oklahoma Highway Patrol Division.

~~6.~~ 4. The steps prescribed for the position of Patrolman in the salary schedule provided for in paragraph ~~2~~ 1 of this subsection are for salary and compensation purposes only. No Patrolman shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary ~~increase~~ increases provided for in ~~paragraph 3, 4 or 5~~ paragraphs 1 and 2 of this subsection.

F. 1. Effective July 1, 2001, the annual salaries for the commissioned officers within the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with the following salary schedule, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Patrol First Lieutenant	$55,692.00
Patrol Supervisor	$51,567.00
Patrolman	
Step 1	$34,004.00
Step 2	$35,405.00
Step 3	$36,864.00
Step 4	$38,382.00
Step 5	$39,964.00
Step 6	$41,610.00
Step 7	$43,325.00
Step 8	$45,110.00
Step 9	$46,968.00
Step 10	$48,903.00

2. On July 1, 2001, each Patrolman shall be assigned to, and the salary of each Patrolman shall be adjusted to, the salary schedule provided for in paragraph 1 of this subsection. Such initial adjustment of salaries shall be to the step of the schedule which step number corresponds to the number of completed years of service the Patrolman has accumulated in the commissioned service of the Lake Patrol Section of the Highway Patrol Division, including commissioned service in the former Lake Patrol Division, of the Department of Public Safety. If the number of completed years of service of the Patrolman exceeds ten (10) years on July 1, 2001, then the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

3. After July 1, 2001, each Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such Patrolman, within the preceding twelve-month period:

a. has achieved a satisfactory Performance Rating Score,

b. has not received any disciplinary action which has resulted in any suspension from the Department for a period of ten (10) or more days, and

c. has not received any disciplinary action which has resulted in demotion.

Provided, if the number of completed years of service on the anniversary date of the Patrolman is or exceeds ten (10) years, then the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 10 of the salary schedule.

4. Except as provided in paragraphs 1, 2, and 3 of this subsection, in any twelve-month period no Patrolman shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Patrolman shall receive the salary increase which results from a promotion to another position within the Oklahoma Highway Patrol Division.

5. The steps prescribed for the position of Patrolman in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No Patrolman shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary increase provided for in paragraphs 1, 2, and 3 of this subsection.

~~7.~~ G. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned ~~officers~~ Patrolmen in the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

SECTION 4. AMENDATORY Section 8, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1999, Section 2-105.8), is amended to read as follows:

Section 2-105.8 A. There is hereby established the Communications Division within the Department of Public Safety. This division shall be divided into a Dispatchers Bureau and a Technicians Bureau and such other bureaus as the Commissioner may direct.

B. Before the Department of Public Safety may add or change any communication site or dispatch office, the Commissioner of Public Safety shall submit a plan for approval by the Legislature.

C. 1. Effective January 1, 1999, the annual salaries for the positions of Director, Coordinator, Superintendent, Supervisor and Dispatcher within the Communications Division shall be in accordance

and conformity with the following salary schedule and as prescribed by paragraph 2 of this subsection, exclusive of longevity pay, as authorized by Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense allowance, as authorized by Section 2-130 of this title, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Communications Director	$45,215.00
Communications Coordinator	$41,105.00
Communications Superintendent	$37,368.00
Communications Supervisor	$33,971.00
Communications Dispatcher	
Step 1	$22,404.00
Step 2	$22,964.00
Step 3	$23,538.00
Step 4	$24,126.00
Step 5	$24,729.00
Step 6	~~$~~ $25,347.00
Step 7	$25,981.00
Step 8	$26,631.00
Step 9	$27,297.00
Step 10	$27,979.00
Step 11	$28,678.00
Step 12	$29,395.00
Step 13	$30,130.00
Step 14	$30,883.00
Probationary Communications Dispatcher	$21,249.00

2. On January 1, 1999, each Communications Dispatcher shall be assigned and the salary of such Dispatcher shall be adjusted to the salary schedule provided for in paragraph 1 of this subsection. Such initial adjustment of salaries shall be to the step which number corresponds to the number of completed years of service such Dispatcher has accumulated in the Communications Division of the Department of Public Safety. Provided, however, no such Dispatcher

shall receive less than the salary the Dispatcher was receiving on December 31, 1998. If the number of completed years of service of such Dispatcher exceeds fourteen (14) years on January 1, 1999, then said Dispatcher shall be assigned to, and the salary of such Dispatcher shall be adjusted to, Step 14 of said salary schedule.

3. After January 1, 1999, each Communications Dispatcher shall receive upon the anniversary date of such Dispatcher an annual salary increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection if such Dispatcher, within the preceding twelve-month period:

a. has achieved a satisfactory Performance Rating Score,

b. has not received any disciplinary action which has resulted in any suspension from the Department for a period of ten (10) or more days, and

c. has not received any disciplinary action which has resulted in demotion.

4. ~~Notwithstanding the provisions of~~ Except as provided in paragraphs 1, 2 and 3 of this subsection, in any twelve-month period no Dispatcher shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

Provided, however, such Dispatcher shall receive the salary increase which results from a promotion to another position within the Communications Division.

5. The steps prescribed for the position of Communications Dispatcher in the salary schedule provided for in paragraph 1 of this subsection are for salary and compensation purposes only. No

Communications Dispatcher shall be reassigned to another such step of said salary schedule for the purposes of demotion, discipline, promotion, incentive, reward or for any other reason other than the salary ~~increase~~ increases provided for in ~~paragraph 2, 3 or 4~~ paragraphs 1, 2, and 3 of this subsection.

6. Upon completion of the one-year probationary period, as required in subsection D of Section 840-4.13 of Title 74 of the Oklahoma Statutes, each Probationary Communications Dispatcher shall be promoted to and shall receive the salary for Step 1 of the position of Communications Dispatcher, as provided for in paragraph 1 of this subsection. Thereafter, the salary of such Dispatcher shall be subject to the provisions of this subsection.

7. The provisions of this subsection shall supersede all existing laws covering the salaries for the positions in the Communications Division of the Department of Public Safety~~, as set out in this subsection~~.

SECTION 5. AMENDATORY 47 O.S. 1991, Section 2-300, as last amended by Section 22, Chapter 257, O.S.L. 1999 (47 O.S. Supp. 1999, Section 2-300), is amended to read as follows:

Section 2-300. As used in this act:

1. "System" means the Oklahoma Law Enforcement Retirement System;

2. "Act" means Sections 2-300 through 2-313 of this title;

3. "Board" means the Oklahoma Law Enforcement Retirement Board of the System;

4. "Executive Director" means the managing officer of the System employed by the Board;

5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;

6. "Member" means all law enforcement officers of the Oklahoma Highway Patrol Division of the Department of Public Safety, except those commissioned officers of the Oklahoma Highway Patrol Division of the Department of Public Safety who are forty-one (41) years of

age or older at the time of initial employment, and the ~~State~~ Oklahoma Capitol Division of the Department of Public Safety, except those commissioned officers of the Oklahoma Capitol Patrol Division of the Department of Public Safety who are forty-one (41) years of age or older at the time of initial employment and all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who have obtained certification from the Council on Law Enforcement Education and Training, the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the and prevention of crime and the enforcement Oklahoma Alcoholic Beverage Control Board designated to perform duties in the investigation of the criminal laws of this state, and members of the Communications Division to include radio technicians, tower technicians and commissioned officers of the Lake Patrol ~~Division~~ Section of the Oklahoma ~~Department of~~ Highway Patrol Division of the Department of Public Safety, park rangers of the Oklahoma Tourism and Recreation Department and inspectors of the Oklahoma State Board of Pharmacy, and any park manager or park supervisor of the Oklahoma Tourism and Recreation Department who was employed in such a position prior to July 1, 1985, and who elects on or before September 1, 1996, to participate in the System. A member does not include a "leased employee" or independent contractor, including a leased employee, as defined under Section 414(n)(2) of the Internal Revenue Code of 1986, as amended. Any individual who contracts with the Board for services to be performed as a leased employee or an independent contractor shall not be a member regardless of any classification as a common-law employee by the Internal Revenue Service or any other governmental agency, or any court of competent jurisdiction, provided that all persons who shall be offered a position of a law enforcement officer shall participate in the System upon the person

meeting the requisite post-offer-pre-employment physical examination standards which shall be subject to the following requirements:

a. all such persons shall be of good moral character, free from deformities, mental or physical conditions, or disease and alcohol or drug addiction which would prohibit the person from performing the duties of a law enforcement officer,

b. said physical-medical examination shall pertain to age, sight, hearing, agility and other conditions the requirements of which shall be established by the Board,

c. the person shall be required to meet the conditions of this subsection prior to the beginning of actual employment but after an offer of employment has been tendered by a participating employer,

d. the Board shall have authority to deny or revoke membership of any person submitting false information in such person's membership application,

e. the Board shall have final authority in determining eligibility for membership in the System, pursuant to the provisions of this subsection;

7. "Normal retirement date" means the date at which the member is eligible to receive the unreduced payments of the member's accrued retirement benefit. Such date shall be the first day of the month coinciding with or following the date the member:

a. completes twenty (20) years of vesting service; or

b. attains sixty-two (62) years of age with ten (10) years of vesting service; or

c. attains sixty-two (62) years of age, if:

(1) the member has been transferred to this System from the Oklahoma Public Employees Retirement System on or after July 1, 1981; and

(2) the member would have been vested had the member continued to be a member of the Oklahoma Public Employees Retirement System;

Effective July 1, 1989, notwithstanding any other provision contained herein to the contrary, in no event shall commencement of distribution of the accrued retirement benefit of a member be delayed beyond April 1 of the calendar year following the later of:

1. The calendar year in which the member reaches seventy and one-half (70 1/2) years of age; or

2. The actual retirement date of the member. The preceding sentence does not allow deferral of benefit commencement beyond the age of sixty-five (65).

A member who was required to join the System effective July 1, 1980, because of the transfer of the employing agency from the Oklahoma Public Employees Retirement System to the System, and was not a member of the Oklahoma Public Employees Retirement System on the date of such transfer shall be allowed to receive credit for prior law enforcement service rendered to this state, if the member is not receiving or eligible to receive retirement credit or benefits for such service in any other public retirement system, upon payment to the System of the employee contribution the member would have been subject to had the member been a member of the System at the time, plus five percent (5%) interest. Service credit received pursuant to this paragraph shall be used in determining the member's retirement benefit, and shall be used in determining years of service for retirement or vesting purposes;

8. “Actual paid base salary” means the salary received by a member, excluding payment for any accumulated leave or uniform allowance. Salary shall include any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986;

9. “Final average salary” means the average of the highest thirty (30) consecutive complete months of actual paid gross salary.

Gross salary shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986 and any amount of nonelective salary reduction under Section 414(h) of the Internal Revenue Code of 1986. Only salary on which required contributions have been made may be used in computing the final average salary.

In addition to other applicable limitations, and notwithstanding any other provision to the contrary, for plan years beginning on or after July 1, 1996, the annual gross salary of each "Noneligible Member" taken into account under the System shall not exceed the Omnibus Budget Reconciliation Act of 1993 (OBRA '93) annual salary limit. The OBRA '93 annual salary limit is One Hundred Fifty Thousand Dollars ($150,000.00), as adjusted by the Commissioner for increases in the cost of living in accordance with Section 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The annual salary limit in effect for a calendar year applies to any period, not exceeding twelve (12) months, over which salary is determined ("determination period") beginning in such calendar year. If a determination period consists of fewer than twelve (12) months, the OBRA '93 salary limit will be multiplied by a fraction, the numerator of which is the number of months in the determination period, and the denominator of which is twelve (12). For purposes of this section, a "Noneligible Member" is any member who first became a member during a plan year commencing on or after July 1, 1996.

For plan years beginning on or after July 1, 1996, any reference in the System to the annual salary limit under Section 401(a)(17) of the Internal Revenue Code of 1986, as amended, shall mean the OBRA '93 salary limit set forth in this provision.

If gross salary for any prior determination period is taken into account in determining a Noneligible Member's benefits accruing in the current plan year, the gross salary for that prior determination

period is subject to the OBRA ’93 annual salary limit in effect for that prior determination period. For this purpose, for determination periods beginning before the first day of the first plan year beginning on or after July 1, 1996, the OBRA ’93 annual salary limit is One Hundred Fifty Thousand Dollars ($150,000.00).

Effective July 1, 1989, through June 30, 1997, in determining the gross salary of a member for purposes of this limitation, the rules of Section 414(q)(6) of the Internal Revenue Code of 1986, as amended, shall apply, except in applying such rules, the term “family” shall include only the spouse of the member and any lineal descendants of the member who have not attained age nineteen (19) before the close of the year. If, as a result of the application of such rules, the adjusted annual salary limitation is exceeded, then the limitation shall be prorated among the affected individuals in proportion to each such individual’s gross salary as determined under this section prior to the application of this limitation.

The family member aggregation rules set forth in the preceding paragraph shall apply only to plan years beginning prior to July 1, 1997;

10. “Credited service” means the period of service used to determine the amount of benefits payable to a member. Credited service shall consist of the period during which the member participated in the System or the predecessor Plan as an active employee in an eligible membership classification, plus any service prior to the establishment of the predecessor Plan which was credited under the predecessor Plan and for officers of the Oklahoma State Bureau of Investigation and the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control who became members of the System on July 1, 1980, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1980, and for members of the Communications and Lake Patrol Divisions of the Oklahoma Department of Public Safety, who became members of the

System on July 1, 1981, any service credited under the predecessor Plan or the Oklahoma Public Employees Retirement System as of June 30, 1981, and for law enforcement officers of the Oklahoma Alcoholic Beverage Control Board who became members of the System on July 1, 1982, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1982, and for park rangers of the Oklahoma Tourism and Recreation Department who became members of the System on July 1, 1985, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1985, and for inspectors of the Oklahoma State Board of Pharmacy who became members of the System on July 1, 1986, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1986, for law enforcement officers of the State Capitol Division of the Department of Public Safety who became members of the System effective July 1, 1993, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1993, and for all commissioned officers in the Gunsmith/Ammunition Reloader Division of the Department of Public Safety who became members of the System effective July 1, 1994, any service credited under the Oklahoma Public Employees Retirement System as of June 30, 1994, and for the park managers or park supervisors of the Oklahoma Tourism and Recreation Department who were employed in such a position prior to July 1, 1985, and who elect to become members of the System effective September 1, 1996, any service transferred pursuant to subsection C of Section 2-309.6 of this title. Effective August 5, 1993, an authorized leave of absence shall include a period of absence pursuant to the Family and Medical Leave Act of 1993;

11. "Disability" means a physical or mental condition which, in the judgment of the Board, totally and presumably permanently prevents the member from engaging in the usual and customary duties of the occupation of the member and thereafter prevents the member from performing the duties of any occupation or service for which

the member is qualified by reason of training, education or experience. A person is not under a disability when capable of performing a service to the employer, regardless of occupation, providing the salary of the employee is not diminished thereby; and

12. "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year.

SECTION 6. AMENDATORY 47 O.S. 1991, Section 2-310.1, as amended by Section 3, Chapter 294, O.S.L. 1995 (47 O.S. Supp. 1999, Section 2-310.1), is amended to read as follows:

Section 2-310.1 A. Whenever any law enforcement officer enrolled in the Oklahoma Law Enforcement Retirement System<u>, or any commissioned officer employed by the Department of Public Safety enrolled in the Oklahoma Public Employees Retirement System,</u> is injured in the line of duty, an Injury Review Board consisting of one member to be appointed by the officer's employer, one member to be appointed by the Administrator of the Office of Personnel Management and one member to be appointed by the Governor shall convene to determine if the injured officer was actually injured in the line of duty and whether the injured officer should be granted leave because of the injury. The Injury Review Board may, in its discretion, grant the injured officer leave when necessary, not to exceed one hundred sixty-five (165) working days for the illness or injury. For the purpose of this section, "illness or injury" shall include any serious illness or serious injury caused by or contracted during the performance of the officer's duty.

B. The three-member Injury Review Board shall be convened following a written request submitted by the injured officer to the injured officer's employer. The employer shall forward the request to the Administrator of the Office of Personnel Management. The employer may submit the request on behalf of an injured officer. The Administrator's appointee shall then convene and chair the

Injury Review Board. The Injury Review Board may request the injured officer to submit to an examination by a physician selected by the Board at the employer's expense to assist the Board in making a decision. A decision to grant or deny such paid leave shall be determined by concurrence in writing of not less than two Injury Review Board members. If granted, said leave shall be paid by the employing agency.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 902, as last amended by Section 30, Chapter 257, O.S.L. 1999 (74 O.S. Supp. 1999, Section 902), is amended to read as follows:

Section 902. As used in Section 901 et seq. of this title:

(1) "System" means the Oklahoma Public Employees Retirement System as established by this act and as it may hereafter be amended;

(2) "Accumulated contributions" means the sum of all contributions by a member to the System which shall be credited to the member's account;

(3) "Act" means Sections 901 to 932, inclusive, of this title;

(4) "Actuarial equivalent" means a deferred income benefit of equal value to the accumulated deposits or benefits when computed upon the basis of the actuarial tables in use by the System;

(5) "Actuarial tables" means the actuarial tables approved and in use by the Board at any given time;

(6) "Actuary" means the actuary or firm of actuaries employed by the Board at any given time;

(7) "Beneficiary" means any person named by a member to receive any benefits as provided for by Section 901 et seq. of this title. If there is no beneficiary living at time of member employee's death, the member's estate shall be the beneficiary;

(8) "Board" means the Oklahoma Public Employees Retirement System Board of Trustees;

(9) "Compensation" means all salary and wages, including amounts deferred under deferred compensation agreements entered into between a member and a participating employer, but exclusive of payment for overtime, payable to a member of the System for personal services performed for a participating employer, including maintenance, or any allowance in lieu thereof provided a member as a part of compensation but shall not include compensation or reimbursement for traveling, or moving expenses, or any compensation in excess of the maximum compensation level, provided:

(a) For compensation for service prior to January 1, 1988, the maximum compensation level shall be Twenty-five Thousand Dollars ($25,000.00) per annum.

For compensation for service on or after January 1, 1988, through June 30, 1994, the maximum compensation level shall be Forty Thousand Dollars ($40,000.00) per annum.

For compensation for service on or after July 1, 1994, through June 30, 1995, the maximum compensation level shall be Fifty Thousand Dollars ($50,000.00) per annum; for compensation for service on or after July 1, 1995, through June 30, 1996, the maximum compensation level shall be Sixty Thousand Dollars ($60,000.00) per annum; for compensation for service on or after July 1, 1996, through June 30, 1997, the maximum compensation level shall be Seventy Thousand Dollars ($70,000.00) per annum; and for compensation for service on or after July 1, 1997, through June 30, 1998, the maximum compensation level shall be Eighty Thousand Dollars ($80,000.00) per annum. For compensation for services on or after July 1, 1998, there shall be no maximum compensation level for retirement purposes.

(b) Compensation for retirement purposes shall include any amount of elective salary reduction under Section 457 of the Internal Revenue Code of 1986 and any amount of non-elective salary reduction under Section 414(h) of the Internal Revenue Code of 1986.

(c) Notwithstanding any provision to the contrary, the compensation taken into account for any employee in determining the contribution or benefit accruals for any plan year is limited to the annual compensation limit under Section 401(a)(17) of the federal Internal Revenue Code;

(10) "Credited service" means the sum of participating service, prior service and elected service;

(11) "Dependent" means a parent, child, or spouse of a member who is dependent upon the member for at least one-half (1/2) of the member's support;

(12) "Effective date" means the date upon which the System becomes effective by operation of law;

(13) "Eligible employer" means the state and any county, county hospital, city or town, conservation districts, and any public or private trust in which a county, city or town participates and is the primary beneficiary is to be an eligible employer for the purpose of this act only, whose employees are covered by Social Security and are not covered by or eligible for another retirement plan authorized under the laws of this state which is in operation on the initial entry date. Emergency medical service districts may join the System upon proper application to the Board. Provided affiliation by a county hospital shall be in the form of a resolution adopted by the board of control.

(a) If a class or several classes of employees of any above-defined employers are covered by Social Security and are not covered by or eligible for and will not

become eligible for another retirement plan authorized under the laws of this state, which is in operation on the effective date, such employer shall be deemed an eligible employer, but only with respect to that class or those classes of employees as defined in this section.

(b) A class or several classes of employees who are covered by Social Security and are not covered by or eligible for and will not become eligible for another retirement plan authorized under the laws of this state, which is in operation on the effective date, and when the qualifications for employment in such class or classes are set by state law; and when such class or classes of employees are employed by a county or municipal government pursuant to such qualifications; and when the services provided by such employees are of such nature that they qualify for matching by or contributions from state or federal funds administered by an agency of state government which qualifies as a participating employer, then the agency of state government administering the state or federal funds shall be deemed an eligible employer, but only with respect to that class or those classes of employees as defined in this subsection; provided, that the required contributions to the retirement plan may be withheld from the contributions of state or federal funds administered by the state agency and transmitted to the System on the same basis as the employee and employer contributions are transmitted for the direct employees of the state agency. The retirement or eligibility for retirement under the provisions of law providing pensions for service as a

volunteer fire fighter shall not render any person ineligible for participation in the benefits provided for in Section 901 et seq. of this title. An employee of any public or private trust in which a county, city or town participates and is the primary beneficiary shall be deemed to be an eligible employee for the purpose of this act only;

(14) "Employee" means any officer or employee of a participating employer, whose employment is not seasonal or temporary and whose employment requires at least one thousand (1,000) hours of work per year and whose salary or wage is equal to the hourly rate of the monthly minimum wage for state employees. For those eligible employers outlined in Section 910 of this title, the rate shall be equal to the hourly rate of the monthly minimum wage for that employer. Each employer, whose minimum wage is less than the state's minimum wage, shall inform the System of the minimum wage for that employer. This notification shall be by resolution of the governing body.

(a) Any employee of the county extension agents who is not currently participating in the Teachers' Retirement System of Oklahoma shall be a member of this System.

(b) Eligibility shall not include any employee who is a contributing member of the United States Civil Service Retirement System.

(c) It shall be mandatory for an officer, appointee or employee of the office of district attorney to become a member of this System if he or she is not currently participating in a county retirement system. Provided further, that if an officer, appointee or employee of the office of district attorney is currently participating in such county retirement system, he or she is ineligible for this System as long as he or she

is eligible for such county retirement system. Any eligible officer, appointee or employee of the office of district attorney shall be given credit for prior service as defined in this section. The provisions outlined in Section 917 of this title shall apply to those employees who have previously withdrawn their contributions.

(d) Eligibility shall also not include any officer or employee of the Oklahoma Employment Security Commission, except for those officers and employees of the Commission electing to transfer to this System pursuant to the provisions of Section 910.1 of this title or any other class of officers or employees specifically exempted by the laws of this state, unless there be a consolidation as provided by Section 912 of this title. Employees of the Oklahoma Employment Security Commission who are ineligible for enrollment in the Employment Security Commission Retirement Plan, that was in effect on January 1, 1964, shall become members of this System.

(e) Any employee employed by the Legislative Service Bureau, State Senate or House of Representatives for the full duration of a regular legislative session shall be eligible for membership in the System regardless of classification as a temporary employee and may participate in the System during the regular legislative session at the option of the employee. For purposes of this subparagraph, the determination of whether an employee is employed for the full duration of a regular legislative session shall be made by the Legislative Service Bureau if such employee is employed by the Legislative Service

Bureau, the State Senate if such employee is employed by the State Senate, or by the House of Representatives if such employee is employed by the House of Representatives. Each regular legislative session during which the legislative employee or an employee of the Legislative Service Bureau participates full time shall be counted as six (6) months of full-time participating service.

(i) Except as otherwise provided by this subparagraph, once a temporary session employee makes a choice to participate or not, the choice shall be binding for all future legislative sessions during which the employee is employed.

(ii) Notwithstanding the provisions of division (i) of this subparagraph, any employee, who is eligible for membership in the System because of the provisions of this subparagraph and who was employed by the State Senate or House of Representatives after January 1, 1989, may file an election, in a manner specified by the Board, to participate as a member of the System prior to September 1, 1989.

(iii) Notwithstanding the provisions of division (i) of this subparagraph, a temporary legislative session employee who elected to become a member of the System may withdraw from the System effective the day said employee elected to participate in the System upon written request to the Board. Any such request must be received by the Board prior to October 1, 1990. All employee contributions made by the temporary legislative session employee shall be returned to the

employee without interest within four (4) months of receipt of the written request;

(iv) A temporary legislative session employee who did not initially elect to participate as a member of the System pursuant to subparagraph (e) of this paragraph and who has not elected to participate as a member of the System pursuant to any other provision of this subparagraph shall be able to elect to become a member of the System and to acquire service performed as a temporary legislative session employee for periods of service performed prior to the election if:

a. the employee files an election with the System not later than December 31, 1998, to become a member of the System and, subject to the requirements of this division, to purchase the prior service; and

b. the employee makes payment to the System of the actuarial cost of the service credit pursuant to subsection A of Section 913.5 of this title. The provisions of Section 913.5 of this title shall be applicable to the purchase of the service credit, including the provisions for determining service credit in the event of incomplete payment due to cessation of payments, death, termination of employment or retirement, but the payment may extend for a period not to exceed ninety-six (96) months;

(f) Any commissioned officer of the Oklahoma Highway Patrol Division or the Oklahoma Capitol Patrol Division of the

Department of Public Safety who is forty-one (41) years of age or older at the time of initial employment as a commissioned officer of the Oklahoma Highway Patrol Division or the Oklahoma Capitol Patrol Division of the Department of Public Safety;

(15) "Entry date" means the date on which an eligible employer joins the System. The first entry date pursuant to Section 901 et seq. of this title shall be January 1, 1964;

(16) "Executive Director" means the managing officer of the System employed by the Board under Section 901 et seq. of this title;

(17) "Federal Internal Revenue Code" means the federal Internal Revenue Code of 1954 or 1986, as amended and as applicable to a governmental plan as in effect on July 1, 1999;

(18) "Final average compensation" means the average annual salary, including amounts deferred under deferred compensation agreements entered into between a member and a participating employer, up to, but not exceeding the maximum compensation levels as provided in paragraph (9) of this section received during the highest three (3) of the last ten (10) years of participating service immediately preceding retirement or termination of employment. Provided, no member shall retire with a final average compensation unless the member has made the required contributions on such compensation;

(19) "Fiscal year" means the period commencing July 1 of any year and ending June 30 of the next year. The fiscal year is the plan year for purposes of the federal Internal Revenue Code; however, the calendar year is the limitation year for purposes of Section 415 of the federal Internal Revenue Code;

(20) "Fund" means the Oklahoma Public Employees Retirement Fund as created by Section 901 et seq. of this title;

(21) "Leave of absence" means a period of absence from employment without pay, authorized and approved by the employer and acknowledged to the Board, and which after the effective date does not exceed two (2) years;

(22) "Member" means an eligible employee or elected official who is in the System and is making the required employee or elected official contributions, or any former employee or elected official who shall have made the required contributions to the System and shall have not received a refund or withdrawal;

(23) "Military service" means service in the Armed Forces of the United States in time of war or national emergency by honorably discharged, not to exceed five (5) years for combined participating and/or prior service, for persons who served as follows:

(a) in the Armed Forces of the United States at any time during the period from April 6, 1917, to November 11, 1918, both dates inclusive,

(b) in the Armed Forces of the United States as members of the 45th Division at any time during the period from September 16, 1940, to December 7, 1941, both dates inclusive,

(c) in the Armed Forces of the United States at any time during the period from December 7, 1941, to December 31, 1946, both dates inclusive,

(d) in the Armed Forces of the United States at any time during the period from June 27, 1950, to January 31, 1955, both dates inclusive,

(e) for a period of ninety (90) days or more, unless discharged from active duty for a service-connected disability, in the Armed Forces of the United States during the period of time in which the United States participated in a war, campaign or battle, but excluding any person who shall have served on active

duty for training only, unless discharged from active duty for service-connected disability,

(f) in the Armed Forces of the United States at any time during the period which began on:

(i) February 28, 1961, and ended on May 7, 1975, in the case of a veteran who served in the Republic of Vietnam during that period, and

(ii) August 5, 1964, and ended on May 7, 1975, in all other cases,

except that such period shall be deemed to have ended on December 31, 1976, when determining eligibility for education and training benefits, or

(g) in the Armed Forces of the United States on or after August 1, 1990, and ended on December 31, 1991, excluding any person who shall have served on active duty for training only, unless discharged from active duty for service-connected disability.

An eligible member under this paragraph shall include only those persons who shall have served during the times or in the areas prescribed in this paragraph, and those persons who were awarded service medals, as authorized by the United States Department of Defense as reflected in the veteran's Defense Department Form 214, related to the Vietnam Conflict who served prior to August 5, 1964;

(24) "Normal retirement date" means the date on which a member may retire with full retirement benefits as provided in Section 901 et seq. of this title, such date being whichever occurs first:

(a) the first day of the month coinciding with or following a member's sixty-second birthday,

(b) for any person who initially became a member prior to July 1, 1992, the first day of the month coinciding with or following the date at which the sum of a member's age and number of years of credited service

total eighty (80); such a normal retirement date will also apply to any person who became a member of the sending system as defined in Section 901 et seq. of this title, prior to July 1, 1992, regardless of whether there were breaks in service after July 1, 1992,

(c) for any person who became a member after June 30, 1992, the first day of the month coinciding with or following the date at which the sum of a member's age and number of years of credited service total ninety (90),

(d) in addition to subparagraphs (a), (b) and (c) of this paragraph, the first day of the month coinciding with or following a member's fiftieth birthday if the member has at least twenty (20) years of full-time-equivalent employment as a correctional or probation and parole officer with the Department of Corrections and at the time of retirement, the member was a correctional or probation and parole officer with the Department of Corrections, or

(e) for any member who was continuously employed by an entity or institution within The Oklahoma State System of Higher Education and whose initial employment with such entity or institution was prior to July 1, 1992, and who without a break in service of more than thirty (30) days became employed by an employer participating in the Oklahoma Public Employees Retirement System, the first day of the month coinciding with or following the date at which the sum of the member's age and number of years of credited service total eighty (80);

(25) “Participating employer” means an eligible employer who has agreed to make contributions to the System on behalf of its employees;

(26) “Participating service” means the period of employment after the entry date for which credit is granted a member;

(27) “Prior service” means the period of employment of a member by an eligible employer prior to the member's entry date for which credit is granted a member under Section 901 et seq. of this title;

(28) “Retirant” means a member who has retired under the System;

(29) “Retirement benefit” means a monthly income with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to Section 901 et seq. of this title or as otherwise allowed to be paid at the discretion of the Board;

(30) “Retirement coordinator” means the individual designated by each participating employer through whom System transactions and communication shall be directed;

(31) “Social Security” means the old-age survivors and disability section of the Federal Social Security Act;

(32) “Total disability” means a physical or mental disability accepted for disability benefits by the Federal Social Security System;

(33) “Service-connected disability benefits” means military service benefits which are for a service-connected disability rated at twenty percent (20%) or more by the Veterans Administration or the Armed Forces of the United States;

(34) “Elected official” means a person elected to a state office in the legislative or executive branch of state government or a person elected to a county office for a definite number of years

and shall include an individual who is appointed to fill the unexpired term of an elected state official;

(35) "Elected service" means the period of service as an elected official; and

(36) "Limitation year" means the year used in applying the limitations of Section 415 of the Internal Revenue Code of 1986, which year shall be the calendar year.

SECTION 8. This act shall become effective July 1, 2000.

SECTION 9. 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.

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