

ENROLLED SENATE
BILL NO. 571

By: Helton of the Senate

and

Nations, McCarter and
Lindley of the House

An Act relating to state employees; amending Section 29, Chapter 396, O.S.L. 1999 (56 O.S. Supp. 2000, Section 162.6), as amended by Section 1 of Enrolled House Bill No. 1299 of the 1st Session of the 48th Oklahoma Legislature, which relates to employee benefit programs; expanding program to all state agencies; clarifying language; amending 74 O.S. 1991, Sections 840.5, as last renumbered by Section 24, Chapter 310, O.S.L. 1995, and as last amended by Section 1, Chapter 336, O.S.L. 2000 and 840.7a, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1, Chapter 21, O.S.L. 1999 (74 O.S. Supp. 2000, Sections 840-1.6A and 840-2.20), which relates to the Office of Personnel Management; making certain duties consistent with the Oklahoma Personnel Act; increasing leave benefits for certain employees; deleting obsolete language; providing for minimum work for on-call instances; providing for codification; providing for recodification; and providing an effective date.

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

SECTION 1. AMENDATORY Section 29, Chapter 396, O.S.L. 1999 (56 O.S. Supp. 2000, Section 162.6), as amended by Section 1 of Enrolled House Bill No. 1299 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 1. A. In order to establish a public employee benefit program to encourage outstanding performance in the workplace, the ~~Department of Human Services~~ Administrator of the Office of Personnel Management is hereby directed to establish an on-the-job employee performance recognition program which encourages outstanding job performance and productivity.

B. In order to promote excellence in job performance and provide recognition for work units with exceptional performance, ~~the Department of Human Services is~~ state agencies are authorized to expend from monies available in the ~~Department of Human Services~~ agency's operating funds so much thereof as may be necessary for the

purchase of recognition awards for presentation to the members of work units or individual employees with exceptional job performance records or for other significant contributions to the operation of the ~~Department~~ agency.

C. ~~The purchase of recognition~~ Recognition awards ~~to~~ may be presented to members of work units or individual employees having exceptional job performance records or other significant contributions and ~~for such awards may be presented at a formal or informal ceremony or banquet where the awards may be presented.~~

D. 1. Recognition awards may consist of distinctive wearing apparel, service pins, plaques, writing pens, or other distinguished awards of a value not exceeding One Hundred Fifty Dollars (\$150.00) per award to recognize the achievement of the work unit or individual employee.

2. In addition to recognition awards, the ~~Department~~ agency may establish an employee benefit program not exceeding Five Thousand Dollars (\$5,000.00) each fiscal year for cash awards to recognize outstanding performance in the workplace by the employees of the ~~Department~~ agency.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 840.5, as last renumbered by Section 24, Chapter 310, O.S.L. 1995, and as last amended by Section 1, Chapter 336, O.S.L. 2000 (74 O.S. Supp. 2000, Section 840-1.6A), is amended to read as follows:

Section 840-1.6A There is hereby created the Office of Personnel Management. The chief administrative officer of said Office of Personnel Management shall be the Administrator who shall be experienced in the field, theory, and application of personnel administration. The Administrator shall be appointed by the Governor with the confirmation of the Senate, and serve at the Governor's pleasure. In addition to the other duties imposed by law, the Administrator shall:

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

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

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

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

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

6. Develop a program for the recruitment of qualified persons, including the administration of valid job-related nondiscriminatory selection procedures providing for competitive examinations when practical and for reasonable selection criteria when competitive examinations are not practical;

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

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

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

10. Develop, in cooperation with appointing authorities, employee training programs, management training programs, a certified public manager program, a recruiting program, and a system of performance appraisals, and assist appointing authorities in the setting of productivity goals. The Administrator may establish and collect fees for participation in training programs. The Administrator is authorized to purchase awards for presentation to state employees as part of employee recognition activities sponsored by the Office of Personnel Management;

11. Establish leave and pay regulations, regulations for performance pay increases, rates for pay differentials, on-call pay, and other types of pay incentives and salary adjustments consistent with the Oklahoma Personnel Act;

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

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

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

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

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

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

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

19. Effective on or after November 1, 1999, implement a new classification and compensation system for classified employees that converts classes into job families and salary grades into pay bands. All classified employees shall be converted into the new job families and pay bands at the time the new classification and compensation system is implemented without loss of pay or status, and shall not have the right to appeal such conversion. The Administrator of the Office of Personnel Management shall adopt rules pursuant to Section 840-4.3 of this title which shall include a process for review by the Office of Personnel Management of internal classification grievances of job family level assignments which cannot be resolved at the agency level.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 840.7a, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last amended by Section 1, Chapter 21, O.S.L. 1999 (74 O.S. Supp. 2000, Section 840-2.20), is amended to read as follows:

Section 840-2.20 A. The Administrator of the Office of Personnel Management shall promulgate such emergency and permanent rules regarding leave and holiday leave as are necessary to assist the state and its agencies.

The Administrator of the Office of Personnel Management, in adopting new rules, amending rules and repealing rules, shall ensure that the following provisions are incorporated:

1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance with the schedule outlined below. Leave will be accrued on a monthly basis and prorated, as appropriate, for less than full-time service. Years of service shall be based on cumulative periods of employment calculated in the manner that cumulative service is determined for longevity purposes pursuant to Section 840-2.18 of this title.

2. ~~a. The~~ From the effective date of this act, the following accrual rates and accumulation limits apply to eligible employees ~~who initially enter into the state service prior to July 1, 1996, and who have less than ten (10) years' cumulative service as follows:~~

	ACCRUAL RATES		ACCUMULATION
			LIMITS
	Cumulative		
	Years of	Annual	Annual
	Service	Leave	Leave
Persons employed 0-5 yrs =	15 day/yr	15 days/yr	30 days
5-10 yrs =	18 day/yr	15 days/yr	60 days
<u>10-20 yrs =</u>	<u>20 day/yr</u>	<u>15 days/yr</u>	<u>60 days</u>
<u>over 20 yrs =</u>	<u>25 day/yr</u>	<u>15 days/yr</u>	<u>60 days</u>

~~b. The following accrual rates and accumulation limits apply to eligible employees who either:~~

- ~~(i) initially enter into the state service prior to July 1, 1996, and who have ten (10) years or more cumulative service, or~~
- ~~(ii) initially enter into the state service on or after July 1, 1996:~~

	ACCRUAL RATES		ACCUMULATION
			LIMITS
	Cumulative		
	Years of	Annual	Annual
	Service	Leave	Leave
Persons employed 0-5 yrs =	10 day/yr	15 days/yr	30 days
5-10 yrs =	15 day/yr	15 days/yr	60 days

~~10-20 yrs = 20 day/yr 15 days/yr 60 days~~
~~over 20 yrs = 25 day/yr 15 days/yr 60 days~~

~~All accrued annual leave and all leave eligibility under O.A.C. 530:10-15-11(b) (5) which is in excess of annual leave limits shall not be reduced or eliminated as a result of these rule changes.~~

3. Temporary employees and other limited term employees are ineligible to accrue, use, or be paid for sick leave and annual leave. Such employees shall be eligible for paid holiday leave at the discretion of the appointing authority.

4. Employees shall not be entitled to retroactive accumulation of leave as a result of amendments to this section. Effective September 1, 1994, employees shall be eligible to accrue leave pursuant to paragraph 1 of this subsection.

5. The Administrator of the Office of Personnel Management and the Executive Director of the Oklahoma Merit Protection Commission shall cooperate to assist agencies in developing policies to prevent violence in state government workplaces without abridging the rights of state employees. Such policy shall include a paid administrative leave provision as a cooling-off period which the Administrator of the Office of Personnel Management is authorized to provide pursuant to the Administrative Procedures Act. Such leave shall not be charged to annual or sick leave accumulations.

6. State employees who terminated their employment in the state service on or after October 1, 1992, may be eligible to have sick leave accrued at the time of termination of employment restored if they return to state employment, provided that the state employees' enter-on-duty dates for reemployment occur on or before two (2) years after their termination of employment and they are eligible to accrue sick leave before the two (2) years expire.

7. Persons subject to the University Hospitals Authority Model Personnel System shall be exempt from the provisions of this section.

8. Employees who are volunteer firefighters pursuant to the Oklahoma Volunteer Firefighters Act and who are called to fight a fire shall not have to use any accrued leave or need to make up any time due to the performance of their volunteer firefighter duties.

B. Nothing in the Oklahoma Personnel Act is intended to prevent or discourage an appointing authority from disciplining or terminating an employee due to abuse of leave benefits or absenteeism. Appointing authorities are encouraged to consider attendance of employees in making decisions regarding promotions, pay increases, and discipline.

C. Upon the transfer of a function in state government to an entity outside state government, employees may, with the agreement of the outside entity, waive any payment for leave accumulations to which the employee is entitled and authorize the transfer of the leave accumulations or a portion thereof to the outside entity.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-2.29 of Title 74, unless there is created a duplication in numbering, reads as follows:

A classified employee working in an institutional setting who is on-call shall receive a minimum of two (2) hours of work if the employee reports to work while on-call.

SECTION 5. RECODIFICATION Section 29, Chapter 396, O.S.L. 1999 (56 O.S. Supp. 2000, Section 162.6), as last amended by Section 1 of this act, shall be recodified as Section 4121 of Title 74 of the Oklahoma Statutes, unless there is created a duplication in numbering.

SECTION 6. This act shall become effective November 1, 2001.

Passed the Senate the 18th day of May, 2001.

Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of May, 2001.

Presiding Officer of the House
of Representatives

