

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1483

By: Leftwich

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2001, Section 840-5.1A, which relates to the unclassified service; clarifying language; requiring a pretermination hearing prior to discharge of unclassified employees; stating who shall be present at pretermination hearing; allowing presentation of certain reasons; granting right to have representation present; requiring chief executive officer to review termination decision and to provide notice; limiting right to appeal; providing exception; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-5.1A, is amended to read as follows:

Section 840-5.1A A. Within state government, persons appointed to a position in the unclassified service after June 30, 1996, shall serve at the pleasure of the appointing authority. Appointing authorities shall not convey any right or expectation of continued employment to such unclassified employees. The appointing authority may separate such unclassified employees at any time with or without cause pursuant to this act. No provision of the Oklahoma Personnel Act shall be construed as granting any property interest in employment to any unclassified service employee.

B. Nothing in this section is intended to change the status of any unclassified employee appointed to a position on or before June 30, 1996.

C. This section shall not apply to persons in positions in institutions under the jurisdiction of the Oklahoma State Regents for Higher Education or subject to the University Hospitals

Authority Model Personnel System created pursuant to Section 3211 of Title 63 of the Oklahoma Statutes.

D. Before an unclassified employee may be discharged by an appointing authority, a pretermination hearing shall be held by such appointing authority. The pretermination hearing shall be held before the chief executive officer of the appointing authority, or designee, employee's manager, or member of the human resources department, or any combination of such persons as determined by the chief executive officer. The employee shall be given the opportunity to present any and all reasons why the discharge should not take place. The employee shall have the right to have a representative present. Following a review of the information presented, the chief executive officer shall determine whether the discharge action shall proceed, and shall notify the employee of the final decisions within ten (10) working days. If the final decision results in termination, the employee will have no further right of appeal before the appointing authority or a right to appeal to the Oklahoma Merit Protection Commission. A pretermination hearing, however, is not required to be held if the termination is part of a reduction-in-force as provided in Section 840-2.27C of this title.

SECTION 2. This act shall become effective November 1, 2002.

48-2-2216

SJ

6/12/2015 11:02:59 AM