

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 409

By: Crutchfield

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 1991, Section 840.9, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 3, Chapter 269, O.S.L. 1995 and Section 14, Chapter 242, O.S.L. 1994, as last amended by Section 6, Chapter 388, O.S.L. 1998 (74 O.S. Supp. 2000, Sections 840-5.3 and 840-5.12), which relate to classification of service; amending reference to certain personnel; providing exceptions to certain limits; allowing the Director of the Department of Rehabilitation Services to establish certain unclassified positions and place employees in such positions; providing cap on unclassified positions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.9, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 3, Chapter 269, O.S.L. 1995 (74 O.S. Supp. 2000, Section 840-5.3), is amended to read as follows:

Section 840-5.3 A. The following offices, positions and personnel shall not be considered state employees except as otherwise provided by law:

1. Patient and inmate help in the state charitable, mental and correctional institutions;
2. Persons engaged in public work for the state, but employed by contractors when the performance of such contract is authorized by the Legislature or other competent authority;
3. All employees of all public school districts; and
4. Officers and members of the Oklahoma National Guard, as such.

B. ~~Those employees of the State Department of Rehabilitation Services~~ Instructional and administrative personnel, except for the superintendents, at the Oklahoma School for the Blind and the Oklahoma School for the Deaf as listed in ~~subsection B of~~ Section 1419 of Title 10 of the Oklahoma Statutes shall be considered state employees, except they shall not be considered state employees for the purposes of the Oklahoma Personnel Act, unless otherwise provided by law.

SECTION 2. AMENDATORY Section 14, Chapter 242, O.S.L. 1994, as last amended by Section 6, Chapter 388, O.S.L. 1998 (74 O.S. Supp. 2000, Section 840-5.12), is amended to read as follows:

Section 840-5.12 A. The State Department of Rehabilitation Services shall be under the Merit System. Except as otherwise provided in subsection B of this section, all offices, positions and personnel shall be classified and subject to the provisions of the Merit System of Personnel Administration and rules promulgated hereunder. This section shall supersede and repeal any and all executive orders issued pursuant to Section 840-1.1 et seq. of this title to place the agency or its predecessors under the Merit System.

B. In addition to offices, positions and personnel that are unclassified pursuant to Section 840-5.5 of this title, the Director of the Department of Rehabilitation Services may establish positions in the unclassified service and place employees in the positions provided the total number of unclassified positions does not exceed fifty-two (52). This limit does not include Department of Rehabilitation Services employees subject to Section 840-5.3 of this title.

C. The limit on unclassified positions provided for in subsection B does not apply to the instructional and administrative personnel, including the superintendents, at the Oklahoma School for

the Blind and Oklahoma School for the Deaf as listed in Section 1419 of Title 10 of the Oklahoma Statutes.

D. The limit on unclassified positions provided for in subsection B does not apply to the employees of the Disability Determination Division of the Department of Rehabilitation Services. The Director of the Department of Rehabilitation Services may establish positions in the unclassified service in the Disability Determination Division and may place employees in those positions provided the total number of unclassified positions does not exceed ten.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. 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.

48-1-616

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