

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 571

By: Helton

AS INTRODUCED

An Act relating to state employees; amending 74 O.S. 1991, Sections 500.8, as last amended by Section 3, Chapter 335, O.S.L. 1995, and 500.9, as last amended by Section 2, Chapter 354, O.S.L. 1997 (74 O.S. Supp. 2000, Sections 500.8 and 500.9), which relate to the State Travel Reimbursement Act; deleting obsolete language; basing reimbursements on federal per diem rates; amending 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), which relates to the Oklahoma Personnel Act; requiring certain rules be consistent with the Oklahoma Personnel Act; allowing the Administrator of the Office of Personnel Management to authorize pay differentials; providing types of pay differentials; specifying the amount and duration of pay differentials; requiring agencies to request differential pay in writing and specify need; granting discretion to appointing authority; providing differential minimum for on-call employees; requiring uniform application; providing exception to pay differential; providing fair shift differential pay; setting minimum shift differential pay; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 500.8, as last amended by Section 3, Chapter 335, O.S.L. 1995 (74 O.S. Supp. 2000, Section 500.8), is amended to read as follows:

Section 500.8 A reimbursement for meal expenses, per day, while in official travel status, ~~of not to exceed Twenty-five Dollars (\$25.00) within the State of Oklahoma and Twenty-six Dollars (\$26.00) outside the state is authorized~~ shall be based on the federal per diem rates. In computing reimbursement for meals a day shall be a period of twenty-four (24) hours. Reimbursement for each one-fourth (1/4) day consisting of six (6) hours or major fraction

thereof, more than three (3) hours, ~~may be made at the rate of Six Dollars and twenty-five cents (\$6.25) in state and Six Dollars and fifty cents (\$6.50) out of state~~ shall be based on one-fourth (1/4) of the federal per diem rate. Provided, however, that no reimbursement for meals shall be made for periods which do not include overnight status. If meals and lodging at a meeting, workshop, conference or other object of travel are furnished as a "package plan", reimbursement may be made, based upon a receipt, but at a daily rate of not to exceed the total daily rate provided in this act.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 500.9, as last amended by Section 2, Chapter 354, O.S.L. 1997 (74 O.S. Supp. 2000, Section 500.9), is amended to read as follows:

Section 500.9 A. Reimbursement for overnight lodging, while in official travel status, may be made at not to exceed Forty Dollars (\$40.00) or the actual cost, if lower, per night except as provided in subsections C, D and F of this section and Section 500.9A of this title. Receipts issued by the hotel, motel or other public lodging place shall accompany claims for reimbursement.

B. A per diem allowance in lieu of subsistence may be authorized by a travel claim issued in accordance with Section 500.3 of this title, which shall include all charges for meals and lodging. ~~Not not to exceed Thirty-five Dollars (\$35.00) per diem may be authorized on the travel claim for the performance of travel within the State of Oklahoma and not to exceed Thirty-six Dollars (\$36.00) per diem may be authorized for the performance of travel outside the State of Oklahoma~~ the federal per diem rates. In computing the per diem allowance, a day shall be a period of twenty-four (24) hours. Reimbursement for each one-fourth (1/4) day consisting of six (6) hours or major fraction thereof, more than three (3) hours, may be made at the ~~rate of Eight Dollars and twenty-five cents (\$8.25) in state and Nine Dollars (\$9.00) out of~~

~~state~~ federal per diem rate. Provided, however, that no per diem shall be allowed pursuant to this section for periods of less than overnight in travel status. Reimbursement for expenses other than meals and lodging may also be made in accordance with the provisions of this act.

C. State officers or employees attending meetings, workshops, conferences or other objectives of trips which are conducted at a designated hotel, motel or other public lodging place or where lodging has been arranged for by the blocking of rooms or by rate reductions for the participants by the sponsor as evidenced by the announcement or notice of the meeting, workshop, conference or other objective shall be reimbursed the actual lodging expense not to exceed the single occupancy room rate charged by the designated hotel, motel or other public lodging place, provided that the officials or employees are in official travel status approved by the agency head or designee. Provided further, those state officers or employees attending meetings, workshops, conferences or other objectives of trips, which are conducted at a designated hotel, motel or other public lodging place as provided by this subsection, who choose to acquire less expensive lodging at another hotel, motel or other public lodging place shall be reimbursed the actual lodging expense not to exceed the single occupancy room rate charged by the designated hotel, motel or other public lodging place. Provided further, those state officers or employees so choosing this option shall be reimbursed for local transportation costs incurred traveling between such optional lodging and the designated hotel, motel or other public lodging place not to exceed the difference between the cost of the designated lodging and the cost of the optional lodging. Receipts issued by the hotel, motel or other public lodging place shall accompany claims for reimbursement.

D. ~~The Legislature recognizes the existence of areas where the reimbursement is not sufficient to pay lodging costs, and wherein a~~

~~higher lodging reimbursement should be allowed. It is hereby provided that any state officials or employees in official travel status out of the state in one of the designated high rate geographical areas shall be reimbursed their actual lodging expense up to a maximum of Sixty-five (\$65.00) Dollars per night, except as provided in Section 500.9A of this title. The high rate geographical areas are hereby designated as follows:~~

~~Anchorage, AK~~

~~Atlanta, GA~~

~~Baltimore, MD~~

~~Boston, MA including all locations within Middlesex, Norfolk and Suffolk Counties~~

~~Chicago, IL including all locations within Lake and Cook Counties~~

~~Dallas and Fort Worth, TX including all locations within Dallas and Tarrant Counties~~

~~Denver, CO including all locations within Denver, Adams, Arapahoe and Jefferson Counties~~

~~Detroit, MI~~

~~Honolulu, HI~~

~~Houston, TX including all locations within the corporate limits of Houston~~

~~Kansas City, MO and Kansas City, KS~~

~~Los Angeles, CA including all locations within Los Angeles, Orange and Ventura Counties~~

~~Miami, FL including all locations within Dade, Broward, Palm Beach and Monroe Counties~~

~~Minneapolis-St. Paul, MN including all locations within Anoka, Hennepin and Ramsey Counties~~

~~New Orleans, LA including all locations within Jefferson, Orleans, Plaquemines and St. Bernard Parishes~~

~~New York, NY including all locations within the boroughs of the Bronx, Brooklyn, Manhattan, Queens and Staten Island and the counties of Nassau and Suffolk~~

~~Newark, NJ including all locations within Bergen, Essex, Hudson, Passaic and Union Counties~~

~~Philadelphia, PA including all locations within Philadelphia and Bala Cynwyd, PA~~

~~Pittsburgh, PA~~

~~St. Louis, MO~~

~~San Diego, CA including all locations within San Diego County~~

~~San Francisco and Oakland, CA including all locations within San Francisco and Alameda Counties~~

~~San Jose, CA including all locations within Santa Clara County~~

~~Seattle, WA including all locations within King County~~

~~Washington, DC including all locations within the corporate limits of Washington, DC, the cities of Alexandria, Falls Church and Fairfax, and the counties of Arlington, Loudoun and Fairfax in Virginia, and the counties of Montgomery and Prince Georges in Maryland.~~

~~E.~~ State officers and employees who have been required to attend hearings or meetings of any congressional committee or subcommittee or any federal agency, board or commission shall be reimbursed for their actual and necessary travel and lodging expenses; however, the agency head must approve any claims in connection with such expenses.

~~F.~~ E. Reimbursement for meals and lodging on out-of-state trips shall not begin more than twenty-four (24) hours before the meeting, workshop, conference or other objective of trip begins and shall not continue more than twenty-four (24) hours after said meeting, workshop, conference or other objective of trip ends.

~~G.~~ F. Reimbursement for meals and lodging incurred in official travel in areas outside of the United States to implement the

objectives of contracts, grants, agreements or gifts for which funds from these sources are furnished shall be reimbursed from said funds at actual cost not to exceed the amount authorized United States Government employees in its periodical publication entitled "Standard Regulations (Government Civilians, Foreign Areas), Department of State, Washington, DC". Provided, however, travel to points outside of the United States, whether performed under authority of contract, grant, agreement or otherwise, shall not begin more than forty-eight (48) hours before or end more than forty-eight (48) hours after the objective of the trip.

~~H.~~ G. Claims submitted to the Director of State Finance for payment under the provisions of this section shall be certified to by the principal fiscal officer or contract and grant administrator of each agency. Such officer shall certify that such claim complies with and is authorized under this section.

SECTION 3. 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 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. The Administrator may authorize a pay differential for a position within a job family because of special duty requirements related to the position. This may include shift pay, on-call pay, data processing mission critical pay, skill-based pay adjustments, and other types of differentials based on special work requirements, as approved by the Administrator. These payments shall be over and above the employee's base pay and shall be paid only as long as the employee occupies the particular position under the circumstances which have necessitated the differential. The request for the differential shall be submitted in writing by the requesting agency and shall adequately identify the need.

B. An appointing authority shall determine whether pay differentials will be paid while employees are in paid leave status or provided only for hours actually worked. However, an employee who is on-call shall receive a minimum of two (2) hours of pay if the employee is called to work while on-call. Appointing authorities shall apply such practices uniformly. Pay differentials shall not be provided for hours that an employee is not in pay status. Shift differential pay shall be comparable to the market and shall ensure that all state employees who work less desirable shifts are compensated fairly. The minimum shift differential pay shall be fifty cents (\$0.50) per hour greater than the employee's base pay.

SECTION 5. This act shall become effective November 1, 2001.

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