

ENGROSSED SENATE AMENDMENT  
TO  
ENGROSSED HOUSE  
BILL NO. 2005

By: Mitchell and Bonny of the  
House

and

Morgan and Robinson of the  
Senate

( state government - amending 74 O.S., Section 840-

1.3 - Oklahoma Personnel Act -

effective date )

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting  
clause and entire bill and insert

"An Act relating to compensation; providing for pay  
increase for certain employees; prescribing  
conditions for pay increase; providing increase  
applicable to certain persons; providing for method  
to implement pay increase for persons on leave  
without pay status; providing method to implement pay  
increase for certain employees based upon  
interruption in service; defining term; excluding  
certain officers and employees from eligibility for  
pay increase; prohibiting expenditure of certain  
funds for purposes related to personnel service  
contracts; providing exception; providing for  
noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

A. Effective January 1, 2005, all full-time and part-time  
officers and employees, including temporary and other limited-term  
employees, of the state who were employed by the state on the last  
working day of December 2004, shall be awarded a five percent (5%)  
annualized salary increase. Salary for purposes of this section is  
equal to base pay as defined in the Merit System of Personnel  
Administration Rules. Permanent classified employees shall retain

the following percentage of the raise provided by this section if they are promoted to a higher paying position during the following periods:

<u>Period</u>	<u>Percentage</u>
January 1, 2005 through April 30, 2005	75%
May 1, 2005 through August 31, 2005	50%
September 1, 2005 through December 30, 2005	25%

B. Effective July 1, 2005, all full-time and part-time officers and employees, including temporary and other limited-term employees, of the state who were employed by the state on the last working day of June 2005, shall be awarded an annualized salary increase equal to three percent (3%). Salary for purposes of this section is equal to base pay as defined in the Merit System of Personnel Administration Rules. Permanent classified employees shall retain the following percentage of the raise provided by this section if they are promoted to a higher paying position during the following periods:

<u>Period</u>	<u>Percentage</u>
July 1, 2005 through October 31, 2005	75%
November 1, 2005 through February 28, 2006	50%
March 1, 2006 through June 30, 2006	25%

C. Except for those personnel specifically excluded from eligibility for any increase or advancement in salary pursuant to this section, the salary increase provided by this section shall be applicable to:

1. Employees of county health departments;
2. Employees of a conservation district; and
3. Employees of the George Nigh Rehabilitation Institute.

D. Part-time employees shall receive a prorated annualized salary increase pursuant to this section.

E. Employees eligible for the increase provided for in subsection A of this section who are on leave without pay on January 1, 2005, shall receive such annualized increase, effective upon their return to work, but shall not receive any increase for a period of time prior to their return to work. Employees eligible for the increase provided for in subsection B of this section who are on leave without pay on July 1, 2005, shall receive such annualized increase, effective upon their return to work, but shall not receive any increase for a period of time prior to their return to work.

F. Employees who leave the state service before January 1, 2005, and who are reinstated or reemployed in the state service during January 2005 without a break in service, who are otherwise eligible for the pay increase provided for in this section, shall be granted the raise provided for in subsection A of this section effective immediately upon such reinstatement or reemployment. Employees who leave the state service before July 1, 2005, and who are reinstated or reemployed in the state service during July 2005 without a break in service, who are otherwise eligible for the pay increase provided for in this section, shall be granted the raise provided in subsection B of this section effective immediately upon such reinstatement or reemployment. As used in this subsection, "break in service" is defined as a period of time in excess of thirty (30) calendar days between two periods of state employment.

G. The following officers and employees shall be ineligible for a pay increase pursuant to this section and nothing, except as otherwise provided by Section 840-2.17 of Title 74 of the Oklahoma

Statutes, shall be construed to authorize any increase or advancement of the salaries of:

1. Any elected official;
2. Any cabinet secretary whose salary is governed by Section 10.5 of Title 74 of the Oklahoma Statutes;
3. Any agency director who is also a cabinet secretary pursuant to Section 10.3 of Title 74 of the Oklahoma Statutes;
4. Any justice or judge whose salary is governed by Section 3.1, 30.2A, 31.2 or 92.1A of Title 20 of the Oklahoma Statutes or by Section 1.2 or 1.2A of Title 85 of the Oklahoma Statutes;
5. Any district attorney whose salary is governed by Section 215.30 of Title 19 of the Oklahoma Statutes;
6. Officers and employees of institutions under the administrative authority of the Oklahoma State Regents for Higher Education, except for officers and employees of the George Nigh Rehabilitation Institute;
7. Persons employed pursuant to Section 1806.1 of Title 74 of the Oklahoma Statutes;
8. Persons employed pursuant to Section 1.6a of Title 53 of the Oklahoma Statutes;
9. Persons who are employed or under contract pursuant to subsection B of Section 1419 of Title 10 of the Oklahoma Statutes; and
10. The Adjutant General and Assistant Adjutants General pursuant to Section 27 of Title 44 of the Oklahoma Statutes.

H. No salary increase pursuant to this section shall be made that exceeds a salary limitation provided in an agency's annual appropriation bill or salary limits set by statute. Classified employees eligible for the salary increase provided for in this section shall receive such increase even though it causes the employee's salary to exceed the maximum for the employee's pay band.

SECTION 2. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

No funds appropriated for the purpose of implementing the pay increase provided in Section 1 of this act shall be expended by any employing public agency, board, commission or other public employing entity in order to increase compensation for persons employed by a private business entity that has entered into a contract with the public employing entity to provide personnel services or temporary services to the public employing entity in order for the public employing entity to perform duties imposed upon it by law or functions which the public employing entity is authorized to perform by law. The provisions of this section shall not be construed to prohibit increases in compensation to a vendor performing other types of services pursuant to a sole source contract or contract awarded pursuant to the Oklahoma Central Purchasing Act.

SECTION 3. This act shall become effective January 1, 2005."

Passed the Senate the 15th day of March, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
2004.

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Presiding Officer of the House  
of Representatives