

ENROLLED HOUSE
BILL NO. 1744

By: Miller (Doug) of the House

and

Nichols of the Senate

An Act relating to the Oklahoma Personnel Act; amending 74 O.S. 2001, Section 840-4.17, which relates to the employee service rating system; deleting obsolete language; modifying criteria for employee performance management system; modifying rating requirements; expanding jurisdiction of the Oklahoma Merit Protection Commission; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-4.17, is amended to read as follows:

Section 840-4.17 A. The Office of Personnel Management shall make available one standard performance management system to be used by all agencies for completing employee service ratings. ~~Agencies shall implement this new system on or before January 1, 2000. Until January 1, 2000, agencies may continue to use employee service rating systems which were approved or provided by the Administrator prior to November 1, 1999.~~ The purpose of this employee performance management system is to evaluate the performance of each regular classified, unclassified and exempt employee in the executive branch of state government except those in the exempt unclassified service as specified in paragraphs 1 and 2 of subsection A of Section 840-5.5 of this title and those employees employed by the institutions under the administrative authority of The Oklahoma State System of Higher Education.

B. The employee performance management system shall provide for the following:

1. An objective evaluation of the employee, by the immediate supervisor, of the performance of the employee within the assigned duties of the job;

2. The identification of the strengths and deficiencies of the employee;

3. The identification by the immediate supervisor of accountabilities upon which the employee will be evaluated;

4. A mid-term interview with the immediate supervisor for the purpose of discussing the progress of the employee in meeting the accountabilities upon which the employee will be evaluated;

5. Corrective actions, if necessary, to correct deficiencies;

~~4.—An~~ 6. A final interview with the employee by the immediate supervisor who shall provide the employee with a copy of the service ratings; and

~~5.~~ 7. The opportunity for the employee to submit written comments regarding the service rating.

C. Each employee shall be rated thirty (30) days prior to the end of the probationary period. ~~Thereafter~~ After the end of the probationary period, each employee shall be rated ~~no less than once each year~~ annually on a twelve-month period, except as shall be provided by rules promulgated by the Administrator of the Office of Personnel Management.

D. Any permanent classified employee who disagrees with the employee's individual service rating may file a grievance pursuant to Section 840-6.2 of this title. Any employee, regardless of status, who is required to be rated pursuant to this section and who disagrees with the individual service rating of the employee may file a complaint through any other dispute resolution process made available through the employing agency or the Oklahoma Merit Protection Commission. ~~The Oklahoma Merit Protection Commission shall not have jurisdiction to investigate or hear appeals of individual service ratings.~~

E. The agency shall use available service ratings of current or former state employees in decisions regarding promotions, appointments, demotions, performance pay increases and discharges. Reductions-in-force shall not be considered discharges.

F. The agency shall retain a copy of the service rating for each employee of the agency. A copy of the service rating shall be retained in the employee's personnel file.

G. Each appointing authority shall confirm in writing to the Administrator of the Office of Personnel Management on or before January 1 of each year that the employees of the appointing authority's agency have been rated pursuant to the provisions of this section.

H. The Administrator of the Office of Personnel Management shall conduct an annual random audit of state agencies in compliance with this section.

SECTION 2. This act shall become effective November 1, 2003.

Passed the House of Representatives the 16th day of May, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the 19th day of May, 2003.

Presiding Officer of the Senate