

ENROLLED HOUSE
BILL NO. 2005

By: Mitchell, Bonny, Adair,
Armes, Askins, Balkman,
Blackwell, Boren, Braddock,
Calvey, Cox, DeWitt,
Hamilton, Harrison, Hefner,
Jones, Lindley, Miller
(Ray), Nations, Piatt,
Roan, Steele and Walker of
the House

and

Morgan and Robinson of the
Senate

An Act relating to compensation; providing for pay increase for certain employees; defining term; 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; 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; providing an effective date; and declaring an emergency.

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 an annualized salary increase equal to One Thousand Four Hundred Dollars (\$1,400.00).

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 Seven Hundred Dollars (\$700.00).

C. As used in this section, "temporary and other limited-term employees" are those persons who:

1. Are not full-time or permanent employees;

2. Are not otherwise excluded by subsection G of this section;
and

3. Are compensated by an agency, board, commission or department or other employing entity for a limited duration and without any subjective expectation by either the employer or the employee that the employment will become permanent.

D. 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;
3. Employees of the George Nigh Rehabilitation Institute.

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

F. 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 an 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 an 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.

G. 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 such raise 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. 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 such raise 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.

H. 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.

I. 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 July 1, 2004.

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.

Passed the House of Representatives the 6th day of April, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 7th day of April, 2004.

Presiding Officer of the Senate