

ENROLLED SENATE  
BILL NO. 1232

By: Corn of the Senate

and

Winchester of the House

An Act relating to the Department of Human Services; amending 56 O.S. 2001, Section 26.17, which relates to employee classification; granting certain discretion in classifying positions; deleting certain certification provisions related to classifying certain positions; clarifying status of unclassified positions; deleting obsolete language; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 2001, Section 26.17, is amended to read as follows:

Section 26.17 A. The Director of Human Services, subject to the approval of the Commission for Human Services, shall have the power to employ and fix the qualifications, duties and compensation of employees necessary to the fulfillment of the provisions of this act, and shall have the power to approve any legal claim for payment.

B. The Department of Human Services shall be a Merit System agency. The provisions of this section shall supersede and revoke any and all Executive Orders placing the Department of Human Services or its predecessors under the provisions of the Merit System of Personnel Administration.

C. In addition to offices, positions, and personnel in the unclassified service pursuant to Sections 840-5.3 and 840-5.5 of Title 74 of the Oklahoma Statutes, the following offices, positions, and personnel shall be in the unclassified service:

1. Campus police appointed pursuant to Section 162.2 of this title;

2. The legal division or unit established pursuant to Section 236 of this title;

3. The Construction Unit and the Architectural and Engineering Unit or their successor units; and

4. A maximum of four percent (4%) of the maximum number of full-time-equivalent positions authorized by law to the Department of Human Services ~~provided the Director of the Department of Human Services certifies that each position so designated as unclassified meets at least one of the following criteria:~~

- ~~a. any incumbent in the position reports directly to the Director or provides support directly to the Commission, or~~
- ~~b. the duties of the position are primarily administrative or managerial in nature and involve establishing broad policies or program direction for the Department or divisions within the Department and selected at the discretion of the Director of the Department of Human Services. Employees retained in the unclassified service under the provisions of this section shall be employees at will. Any classified employee occupying a position selected by the Director pursuant to this paragraph to become an unclassified position may elect to retain classified status. All future appointees to such position shall be in the unclassified service.~~

The Director shall submit ~~such certification and a list of such positions to the Office of Personnel Management by September 1, 1994 2004,~~ and annually thereafter.

D. All other offices, positions and personnel of the Department of Human Services shall be classified and subject to the provisions of the Merit System of Personnel Administration, as provided in the Oklahoma Personnel Act and rules promulgated thereunder.

~~E. Effective September 1, 1994, all unclassified employees of the Department of Human Services occupying classified positions shall be granted permanent status in the classified service unless:~~

- ~~1. They are retained by the Director in the unclassified service pursuant to subsection C of this section; or~~
- ~~2. They waive in writing their right to classified status pursuant to this subsection and elect to remain in the unclassified service while in the positions they occupy on September 1, 1994.~~

~~Employees who are classified shall be granted permanent status in the classes to which the positions they occupy are allocated by the Office of Personnel Management. The Office of Personnel Management shall not require such employees to independently complete descriptions of the positions they occupy. Such descriptions may be completed by the Department of Human Services, provided that each employee shall be given a copy and any employee who elects to do so may independently complete a position description questionnaire before submission to the Office of Personnel Management. If an employee elects to complete a position description questionnaire, the Department of Human Services, after review and comment, shall submit it to the Office of Personnel Management for allocation. For the initial classification, these~~

~~employees shall not be required to possess the minimum qualifications or to pass any required examinations, and their salaries shall not be reduced. Thereafter, the provisions and conditions of their employment shall be subject to the provisions of the Merit System of Personnel Administration.~~

~~Employees retained in the unclassified service under the provisions of this section shall be employees at will.~~

SECTION 2. 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 resolution shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 26th day of May, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the 28th day of May, 2004.

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Presiding Officer of the House  
of Representatives