

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1045

By: Shurden

AS INTRODUCED

An Act relating to state employees; providing appeal procedure for law enforcement officers under certain circumstances; defining terms; providing for codification; 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 to be codified in the Oklahoma Statutes as Section 2.5 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Any law enforcement officer aggrieved by disciplinary action resulting from a complaint from a member of the public may file an appeal with the Oklahoma Merit Protection Commission within sixty (60) days of the alleged disciplinary action. The Oklahoma Merit Protection Commission shall promulgate rules in compliance with the Administrative Procedures Act for the conduct of investigations of such complaints. If, after investigation, the Executive Director determines that the complaint is without merit, the Executive Director shall appoint a hearing examiner to hear the case as provided for in Sections 840-6.6 through 840-6.9 of Title 74 of the Oklahoma Statutes.

B. As used in this section:

1. "Disciplinary action" means any direct or indirect form of discipline, any dismissal, demotion, transfer, reassignment, suspension, reprimand, admonishment, warning of possible dismissal, reduction in force, reduction in rank, reduction in status, or withholding of work; and

2. "Law enforcement officer" means a police or peace officer as defined in paragraph 5 of subsection D of Section 3311 of Title 70 of the Oklahoma Statutes.

C. If, after the hearing, it is determined that the disciplinary action is warranted, the Commission or hearing examiner shall advise the law enforcement officer of the same and pursue no further action in the matter.

D. No employer shall take or fail to take any disciplinary action against a law enforcement officer for filing an appeal with the Oklahoma Merit Protection Commission pursuant to the provisions of this section.

SECTION 2. This act shall become effective November 1, 2006.

50-2-2188

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