

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 341

By: Eason McIntyre

AS INTRODUCED

An Act relating to state employees; amending 74 O.S. 2001, Section 840-1.3, as amended by Section 3, Chapter 347, O.S.L. 2002 (74 O.S. Supp. 2004, Section 840-1.3); adding definitions; requiring plan; requiring review and approval; mandating posting; designating benefits; authorizing rules; providing for codification; and declaring effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-1.3, as amended by Section 3, Chapter 347, O.S.L. 2002 (74 O.S. Supp. 2004, Section 840-1.3), is amended to read as follows:

Section 840-1.3 As used in the Oklahoma Personnel Act, unless otherwise provided in Sections 840-1.1 through 840-6.9 of this title:

1. "Agency" means any office, department, board, commission or institution of the executive branch of state government;
2. "Employee" or "state employee" means an elected or appointed officer or employee of an agency unless otherwise indicated;
3. "Appointing authority" means the chief administrative officer of an agency;
4. "Classification" means:
  - a. the process of placing an employee into an appropriate job family and level within the job family, consistent with the allocation of the position to which the employee is assigned, or
  - b. an employee's job family and the level at which work is assigned;

5. "Classification plan" means the orderly arrangement of positions within an agency into separate and distinct job families so that each job family will contain those positions which involve similar or comparable skills, duties and responsibilities;

6. "Classified service" means state employees and positions under the jurisdiction of the Oklahoma Merit System of Personnel Administration;

7. "Entrance examination" means any employment test used by the Office of Personnel Management to rank the names of applicants who possess the minimum requirements of education, experience, or licensure for a job or group of similar jobs on a register of eligibles established by the Office of Personnel Management;

8. "Job" means a position or job family level in a job family;

9. "Job family" means:

- a. jobs which require similar core skills and involve similar work, and
- b. a logical progression of roles in a specific type of occupation in which the differences between roles are related to the depth and breadth of experience at various levels within the job family and which are sufficiently similar in duties and requirements of the work to warrant similar treatment as to title, typical functions, knowledge, skills and abilities required, and education and experience requirements;

10. "Job family level" means a role in a job family having distinguishable characteristics such as knowledge, skills, abilities, education, and experience;

11. "Job family descriptor" means a written document that:

- a. describes a job family, including, but not limited to, the basic purpose, typical functions performed, various levels within the job family, and the

knowledge, skills, abilities, education, and  
experience required for each level, and

b. identifies the pay band assigned for each level;

12. "Promotional examination" means any employment test designated by the Office of Personnel Management to determine further the qualifications of a permanent classified employee of a state agency for employment in a different job for which the employee possesses the minimum qualifications of education, experience, or licensure within that agency;

13. "Interagency transfer" means an action in which an employee leaves employment with one agency and enters employment with another agency while continuously employed with the state;

14. "Intra-agency transfer" means moving an employee from one position to another position with the same agency either with or without reclassification;

15. "Job-related organization" means a membership association which collects annual dues, conducts annual meetings and provides job-related education for its members and which includes state employees, including any association for which payroll deductions for membership dues are authorized pursuant to paragraph 5 of subsection B of Section 7.10 of Title 62 of the Oklahoma Statutes;

16. "Lateral transfer" means the reassignment of an employee to another state job with the same pay band assignment as the job family level in which the employee was classified prior to the lateral transfer;

17. "Merit Rules" or "Merit Rules for Employment" or "Merit System of Personnel Administration Rules" means rules adopted by the Administrator of the Office of Personnel Management or the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act;

18. "Noncompetitive appointment" means the appointment of a person to a noncompetitive job level within a job family;

19. "Noncompetitive job" means an unskilled or semiskilled job designated by the Office of Personnel Management as noncompetitive. Noncompetitive jobs do not require written examinations for placement on registers of eligibles;

20. "Permanent classified employee" means a classified service employee who has acquired permanent status in accordance with the Oklahoma Personnel Act, and rules adopted pursuant thereto, and who has the right to appeal involuntary demotion, suspension without pay, and discharge to the Commission;

21. "Presiding official" means a person serving the Oklahoma Merit Protection Commission in the capacity of administrative hearing officer, mediator, or other alternative dispute resolution arbitrator or facilitator;

22. "Progressive discipline" means a system designed to ensure the consistency, impartiality and predictability of discipline and the flexibility to vary penalties if justified by aggravating or mitigating conditions;

23. "Reclassification" means the process of changing a classified employee from one job family to another job family or from one job family level to another job family level in the same job family, resulting in a change in the employee's assigned job code;

24. "Regular and consistent" means, in connection with the work assignments of an employee, the usual and normal work assignments of the employee, excluding incidental, casual, or occasional tasks and activities the employee assumes without direction to do so. Temporary work assignments of less than sixty (60) days in any twelve (12) consecutive months period shall not be considered regular and consistent;

25. "Regular unclassified service employee" means an unclassified service employee who is not on a temporary or other time-limited appointment;

26. "Supervisor" means a classified or unclassified officer or employee who has been assigned authority and responsibility for evaluating the performance of subordinates;

27. "Unclassified service" or "exempt service" means employees and positions excluded from coverage of the Oklahoma Merit System of Personnel Administration;

28. "Merit System" means the Oklahoma Merit System of Personnel Administration;

29. "Administrator" means the appointing authority of the Office of Personnel Management;

30. "Executive Director" means the appointing authority of the Oklahoma Merit Protection Commission;

31. "Office" means the Office of Personnel Management;

32. "Commission" means the Oklahoma Merit Protection Commission;

33. "Veteran" means a person who has been honorably discharged from the Armed Forces of the United States and has been a resident of Oklahoma for at least one (1) year prior to the date of the examination; ~~and~~

34. "Voluntary out" means the voluntary separation of employees from the state service in exchange for benefits offered by an agency in order to reduce or eliminate the adverse impact of an imminent reduction-in-force; and

35. "Furlough" means a temporary leave of absence for the purpose of reducing agency expenditures or due to a temporary decline or cessation of work activities. Furloughs may be voluntary or involuntary pursuant to the provisions of this act.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-2.21A of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Prior to executing an involuntary furlough, the appointing authority shall first implement a voluntary furlough program

pursuant to this act. The appointing authority shall submit its plan to the Administrator of the Office of Personnel Management for review and approval. Voluntary furloughs may be approved for up to sixty (60) days in a twelve-month period. Voluntary furloughs may be made through shortened work weeks or work days as designated by the appointing authority. The appointing authority shall post its approved voluntary plan throughout the agency for thirty (30) days seeking volunteers to enter the voluntary furlough program. The appointing authority shall evaluate the targeted savings attributed to those volunteers entering the program and may only implement an involuntary furlough if its targeted savings have not been met. Those volunteers shall be allowed to participate in the voluntary furlough program, pursuant to this act, even if an involuntary furlough is required of other employees of the appointing authority.

B. Annual and sick leave accrual, health benefits, retirement service credit and service for purposes of longevity for employees on voluntary furlough shall not be affected by the time spent on voluntary furlough.

C. The Administrator of the Office of Personnel Management may promulgate any rules necessary to implement the provisions of this section.

SECTION 3. This act shall become effective November 1, 2005.

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