

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1113

By: Bengé and Miller of the
House

6 Crutchfield, Johnson
7 (Mike), Adelson and Myers
8 of the Senate

9 COMMITTEE SUBSTITUTE

10 An Act relating to state government; requiring
11 certain reports; amending 74 O.S. 2001, Section 840-
12 1.3, as amended by Section 3, Chapter 347, O.S.L.
13 2002 (74 O.S. Supp. 2006, Section 840-1.3), which
relates to the Oklahoma Personnel Act; clarifying
language; providing for noncodification; providing an
effective date; and declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law not to be
18 codified in the Oklahoma Statutes reads as follows:

19 The Office of Personnel Management shall report to the House of
20 Representatives and the Senate by October 1 of each year the total
21 amount of hours donated by state employees for the previous fiscal
22 year pursuant to provisions of the state leave sharing program.
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1 SECTION 2. AMENDATORY 74 O.S. 2001, Section 840-1.3, as
2 amended by Section 3, Chapter 347, O.S.L. 2002 (74 O.S. Supp. 2006,
3 Section 840-1.3), is amended to read as follows:

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

7 1. "Agency" means any office, department, board, commission or
8 institution of the executive branch of state government;

9 2. "Employee" or "state employee" means an elected or appointed
10 officer or employee of ~~an~~ any agency unless otherwise indicated;

11 3. "Appointing authority" means the chief administrative
12 officer of an agency;

13 4. "Classification" means:

14 a. the process of placing an employee into an appropriate
15 job family and level within the job family, consistent
16 with the allocation of the position to which the
17 employee is assigned, or

18 b. an employee's job family and the level at which work
19 is assigned;

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

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

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

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

10 9. "Job family" means:

11 a. jobs which require similar core skills and involve
12 similar work, and

13 b. a logical progression of roles in a specific type of
14 occupation in which the differences between roles are
15 related to the depth and breadth of experience at
16 various levels within the job family and which are
17 sufficiently similar in duties and requirements of the
18 work to warrant similar treatment as to title, typical
19 functions, knowledge, skills and abilities required,
20 and education and experience requirements;

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

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

1 a. describes a job family, including, but not limited to,
2 the basic purpose, typical functions performed,
3 various levels within the job family, and the
4 knowledge, skills, abilities, education, and
5 experience required for each level, and

6 b. identifies the pay band assigned for each level;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 SECTION 3. This act shall become effective July 1, 2007.

22 SECTION 4. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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