

ENROLLED HOUSE
BILL NO. 1122

By: Bengé and Miller of the
House

and

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

An Act relating to state government personnel; amending Section 1, Chapter 17, O.S.L. 2002, as last amended by Section 1, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 and Section 2, Chapter 463, O.S.L. 2004, as last amended by Section 2, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Sections 3601.1 and 3601.2), which relate to full-time-equivalent state employees and chief executive officers' salaries; updating year; updating name of board; modifying provisions related to full-time-equivalent state employees; modifying salary for certain chief executive officer; amending 74 O.S. 2001, Section 840-5.5, as last amended by Section 3, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-5.5), which relates to unclassified service and personnel; modifying definition of seasonal employees of the Oklahoma Tourism and Recreation Department; adding certain positions from various agencies; amending Section 42, Chapter 363, O.S.L. 2005, as amended by Section 2, Chapter 189, O.S.L. 2006 (74 O.S. Supp. 2006, Section 2241), which relates to seasonal employees; modifying definition of seasonal employees of the Oklahoma Tourism and Recreation Department; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 17, O.S.L. 2002, as last amended by Section 1, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 3601.1), is amended to read as follows:

Section 3601.1 A. For purposes of Sections 3601.1 through 3603 of this title, the term "employee" means a full-time employee or any number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. Beginning July 1, ~~2006~~ 2007, the maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section, except as may be authorized pursuant to the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
Board of Managers of the State Insurance Fund	591
Oklahoma Employment Security Commission	1150
Oklahoma Accountancy Board	11
The Board of Governors of the Licensed Architects <u>and, Landscape Architects and Interior Designers</u> of Oklahoma	4
Board of Chiropractic Examiners	3
State Board of Cosmetology	16
Board of Dentistry	5
Oklahoma State Board of Embalmers and Funeral Directors	5
State Board of Registration for Professional Engineers and Land Surveyors	9

State Board of Medical Licensure and Supervision/ Board of Podiatric Medical Examiners/State Board of Examiners of Perfusionists	29
Commission on Marginally Producing Oil and Gas Wells	5
Oklahoma Motor Vehicle Commission	6
Oklahoma Board of Nursing	26
Oklahoma State Board of Examiners for Nursing Home Administrators	4
Board of Examiners in Optometry	3
State Board of Osteopathic Examiners	7
Oklahoma Peanut Commission	2
Oklahoma State Board of Pharmacy	9
State Board of Examiners of Psychologists	2
Oklahoma Real Estate Commission	26
Board of Examiners for Speech-Language Pathology and Audiology	2
Oklahoma Used Motor Vehicle and Parts Commission	12
State Board of Veterinary Medical Examiners	6
Oklahoma Wheat Utilization, Research and Market Development Commission	7
Oklahoma Firefighters Pension and Retirement System	13
Oklahoma Police Pension and Retirement System	12
Teachers' Retirement System of Oklahoma	52
Oklahoma Public Employees Retirement System	63

Oklahoma Student Loan Authority	68 <u>85</u>
Oklahoma Industrial Finance Authority/Oklahoma Development Finance Authority	10
State and Education Employees Group Insurance Board	178
Oklahoma Capital Investment Board	4
State Board of Licensed Social Workers	1
Oklahoma State Employees Benefits Council	31 <u>38</u>
Oklahoma State Banking Department	46
Liquefied Petroleum Gas Administration	10

C. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Public Employees Retirement System Board of Trustees by law shall be set by the Board of Trustees.

D. Temporary employees of the Oklahoma Used Motor Vehicle and Parts Commission between the dates of November 1 and January 31 annually shall not be counted toward the maximum number of full-time-equivalent employees provided for in this section.

SECTION 2. AMENDATORY Section 2, Chapter 463, O.S.L. 2004, as last amended by Section 2, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 3601.2), is amended to read as follows:

Section 3601.2 A. Beginning January 1, ~~2005~~ 2007, the agency, board, commission, department or program shall establish the salary of each of the chief executive officers for which they have appointing authority. Such salary shall be set between the minimum and maximum of the range specified below, for full-time employees only, per annum, payable monthly, pursuant to the limitations outlined below:

1. If the chief executive officer's salary is below the minimum annual salary then it can not be raised to more than the minimum annual salary in one (1) fiscal year. If the chief executive officer's salary is at or above the minimum annual salary then the

salary may not be increased above the midpoint in one (1) fiscal year.

2. Such increases shall not occur more than once in a fiscal year; and

3. The salary of the incumbent chief executive officer shall not be increased if the officer's salary exceeds the maximum of the range.

	MINIMUM ANNUAL SALARY	MIDPOINT ANNUAL SALARY	MAXIMUM ANNUAL SALARY
CompSource Oklahoma	\$86,136.00	\$101,337.00	\$116,536.00
Oklahoma Employment Security Commission	\$93,190.00	\$109,635.00	\$126,080.00
Oklahoma Accountancy Board	\$55,748.00	\$65,585.00	\$75,424.00
The Board of Governors of the Licensed Architects, and Landscape Architects and Interior Designers of Oklahoma	\$45,513.00	\$55,044.00 <u>\$62,757.00</u>	\$63,300.00 <u>\$80,000.00</u>
Board of Chiropractic Examiners	\$46,788.00	\$55,044.00	\$63,301.00
State Board of Cosmetology	\$46,788.00	\$55,044.00	\$63,301.00
Board of Dentistry	\$54,956.00	\$64,334.00	\$75,687.00
Oklahoma Funeral Board	\$46,788.00	\$55,044.00	\$63,301.00
State Board of Registration for Professional Engineers and Land Surveyors	\$55,748.00	\$65,585.00	\$75,424.00
State Board of Medical Licensure and Supervision, Board of			

Podiatric Medical Examiners/State Board of Examiners of Perfusionists	\$67,551.00	\$79,471.00	\$91,392.00
Commission on Marginally Producing Oil and Gas Wells	\$55,748.00	\$65,585.00	\$75,424.00
Oklahoma Motor Vehicle Commission	\$55,748.00	\$65,585.00	\$75,424.00
Oklahoma Board of Nursing	\$67,551.00	\$79,471.00	\$91,392.00
Oklahoma State Board of Examiners for Nursing Home Administrators	\$46,788.00	\$55,044.00	\$63,301.00
State Board of Osteopathic Examiners	\$54,956.00	\$64,334.00	\$75,687.00
Oklahoma Peanut Commission	\$45,513.00	\$55,044.00	\$63,300.00
State Board of Examiners of Psychologists	\$46,788.00	\$55,044.00	\$63,301.00
Oklahoma Real Estate Commission	\$67,551.00	\$79,471.00	\$91,392.00
Board of Examiners for Speech-Language Pathology and Audiology	\$38,001.00	\$44,706.00	\$51,412.00
Oklahoma Used Motor Vehicle and Parts Commission	\$55,748.00	\$65,585.00	\$75,424.00
State Board of Veterinary Medical Examiners	\$46,788.00	\$55,044.00	\$63,301.00
Oklahoma Wheat Utilization, Research and Market Development Commission	\$55,748.00	\$65,585.00	\$75,424.00

Oklahoma Firefighters Pension and Retirement System	\$80,732.00	\$94,980.00	\$109,226.00
Oklahoma Police Pension and Retirement System	\$80,733.00	\$94,981.00	\$109,227.00
Teachers' Retirement System of Oklahoma	\$86,136.00	\$101,337.00	\$116,536.00
Oklahoma Public Employees Retirement System	\$86,136.00	\$101,337.00	\$116,536.00
Oklahoma Student Loan Authority	\$83,790.00	\$101,377.00	\$116,536.00
Oklahoma Industrial Finance Authority	\$80,731.00	\$94,979.00	\$109,225.00
State and Education Employees Group Insurance Board	\$86,136.00	\$101,337.00	\$116,536.00
Oklahoma Capital Investment Board	\$80,731.00	\$94,979.00	\$109,225.00
State Board of Licensed Social Workers	\$46,788.00	\$55,044.00	\$63,301.00
Oklahoma State Employees Benefits Council	\$80,731.00	\$94,979.00	\$109,225.00
Grand River Dam Authority	\$101,437.00	\$119,339.00	\$137,239.00
Oklahoma State Banking Department	\$101,437.00	\$119,339.00	\$137,239.00
Liquefied Petroleum Gas Administration	\$55,748.00	\$65,585.00	\$75,424.00
Oklahoma Securities Commission	\$101,437.00	\$119,339.00	\$137,239.00

B. All increases require certification of the appointing authority that said action can be implemented for the current fiscal

year and subsequent fiscal year without the need for additional funding. The agency, board, commission, department or program shall report increases granted under this section to the Office of Personnel Management on an annual basis by August 1 of each year. The Office of Personnel management shall forward a report of such increases to the Governor, President Pro Tempore of the Senate, and Speaker of the House of Representatives no later than September 1 of each year.

C. Every two (2) years starting FY-05, the Office of Personnel Management shall review these salary ranges and report on and make recommendations on proposed salary ranges in their annual compensation reports mandated by paragraph 5 of Section 840-1.6A of this title by no later than December 1.

D. Every three (3) years the Legislature shall review the salary ranges specified in subsection A of this section.

SECTION 3. AMENDATORY 74 O.S. 2001, Section 840-5.5, as last amended by Section 3, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-5.5), is amended to read as follows:

Section 840-5.5 A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;

2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;

3. All judges, elected or appointed, and their employees;

4. Persons employed with one-time, limited duration, federal or other grant funding that is not continuing or indefinitely renewable. The length of the unclassified employment shall not exceed the period of time for which that specific federal funding is provided;

5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and Oklahoma Department of Career and Technology Education;

6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor. These appointments and authorizations shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier. However, nothing in this paragraph shall prevent the reauthorization and reappointment of any such person. Any such appointment shall be funded from the budget of the appointing authority;

7. Election officials and employees;

8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period, and seasonal employees employed by the Oklahoma Tourism and Recreation Department pursuant to Section 2241 of this title who ~~work less than one thousand two hundred (1,200) hours in any twelve month period, and seasonal employees employed at lodges and golf courses operated by the Oklahoma Tourism and Recreation Department pursuant to Section 2241 of this title who~~ work less than one thousand six hundred (1,600) hours in any twelve-month period;

9. Department of Public Safety employees occupying the following offices or positions:

- a. administrative aides to the Commissioner,
- b. executive secretaries to the Commissioner,
- c. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor,
- d. Highway Patrol Colonel,
- e. Highway Patrol Lieutenant Colonel,
- f. Highway Patrol Major,
- g. Director of Finance,
- h. noncommissioned pilots,

- i. Information Systems Administrator,
- j. Law Enforcement Telecommunications System Specialist,
- k. Director of Driver License Administration,
- l. Director of Transportation Division,
- m. Director of the Alcohol and Drug Countermeasures Unit,
- n. Director of the Oklahoma Highway Safety Office,
- o. Civil Rights Administrator,
- p. Budget Analyst,
- q. Comptroller,
- r. Chaplain,
- s. Helicopter Mechanic,
- t. Director of Safety Compliance,
- u. Human Resources Director,
- v. Administrator of Department Services, and
- w. a maximum of seven (7) positions for the purpose of administering programs in the Oklahoma Highway Safety Office, within full-time employee limitations of the Department, employed with federal funding that is continuing or indefinitely renewable. The authorization for such positions shall be terminated if the federal funding for positions is discontinued;

provided, any person appointed to a position prescribed in subparagraph d, e, f or o of this paragraph shall have a right of return to the classified commissioned position without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position, and any person appointed to a position prescribed in subparagraph i, j, k, l, m or n of this paragraph shall have a right of return to the previously held vacant classified position within the Department of Public

Safety without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

10. Professional trainees only during the prescribed length of their course of training or extension study;

11. Students who are employed on a part-time basis, which shall be seventy-five percent (75%) of a normal forty-hour work week or thirty (30) hours per week, or less, or on a full-time basis if the employment is pursuant to a cooperative education program such as that provided for under Title I IV-D of the Higher Education Act of 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly enrolled in:

- a. an institution of higher learning within The Oklahoma State System of Higher Education,
- b. an institution of higher learning qualified to become coordinated with The Oklahoma State System of Higher Education. For purposes of this section, a student shall be considered a regularly enrolled student if the student is enrolled in a minimum of five (5) hours of accredited graduate courses or a minimum of ten (10) hours of accredited undergraduate courses, provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, or
- c. high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;

12. The spouses of personnel who are employed on a part-time basis to assist or work as a relief for their spouses in the Oklahoma Tourism and Recreation Department;

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's full-time-equivalent (FTE) employee limit;

14. Employees of the Oklahoma House of Representatives, the State Senate, or the Legislative Service Bureau;

15. Corporation Commission personnel occupying the following offices and positions:

- a. Administrative aides, and executive secretaries to the Commissioners,
- b. Directors of all the divisions, personnel managers and comptrollers,
- c. General Counsel,
- d. Public Utility Division Chief Engineer,
- e. Public Utility Division Chief Accountant,
- f. Public Utility Division Chief Economist,
- g. Public Utility Division Deputy Director,
- h. Secretary of the Commission,
- i. Deputy Conservation Director,
- j. Manager of Pollution Abatement,
- k. Manager of Field Operations,
- l. Manager of Technical Services,
- m. Public Utility Division Chief of Telecommunications,
- n. Director of Information Services, ~~and~~
- o. All Data Processing employees hired on or after September 1, 2005,
- p. All Public Utilities employees hired on or after September 1, 2007, and
- q. All Regulatory Program Managers hired on or after September 1, 2007;

16. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;

17. Department of Mental Health and Substance Abuse Services personnel occupying the following offices and positions at each facility:

- a. Director of Facility,
- b. Deputy Director for Administration,
- c. Clinical Services Director,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

18. Office of State Finance personnel occupying the following offices and positions:

- a. State Comptroller,
- b. Administrative Officers,
- c. Alternator Claims Auditor,
- d. Employees hired to fulfill state compliance agency requirements under Model Tribal Gaming Compacts,
- e. Employees of the Budget Division,
- f. Employees of the Fiscal and Research Division,
- g. Employees hired to work on the CORE Systems Project; and
- h. The following employees of the Information Services Division:
 - (1) Information Services Division Manager,
 - (2) Network Manager,

- (3) Network Technician,
- (4) Security Manager,
- (5) Contracts/Purchasing Manager,
- (6) Operating and Applications Manager,
- (7) Project Manager,
- (8) Help Desk Manager,
- (9) Help Desk Technician,
- (10) Quality Assurance Manager,
- (11) ISD Analysts,
- (12) CORE Manager,
- (13) Enterprise System/Database Software Manager,
- (14) Data Center Operations and Production Manager,
- (15) Voice Communications Manager,
- (16) Applications Development Manager,
- (17) Projects Manager,
- (18) PC's Manager,
- (19) Servers Manager,
- (20) Portal Manager, ~~and~~
- (21) Procurement ~~Specialist~~ Specialists,
- (22) Security Technicians,
- (23) Enterprise Communications and Network Administrator,
- (24) Server Support Specialists,

(25) Senior Server Support Specialists,

(26) Systems Support Specialists, and

(27) Senior Systems Support Specialists;

19. Employees of the Oklahoma Industrial Finance Authority;

20. Those positions so specified in the annual business plan of the Oklahoma Department of Commerce;

21. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;

22. The following positions and employees of the Oklahoma School of Science and Mathematics:

- a. positions for which the annual salary is Twenty-four Thousand One Hundred Ninety-three Dollars (\$24,193.00) or more, as determined by the Office of Personnel Management, provided no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,
- b. positions requiring certification by the State Department of Education, and
- c. positions and employees authorized to be in the unclassified service of the state elsewhere in this section or in subsection B of this section;

23. Office of Personnel Management employees occupying the following positions:

- a. the Carl Albert Internship Program Coordinator,
- b. one Administrative Assistant, ~~and~~
- c. one Workforce Planning Manager,
- d. Assistant Administrators,
- e. one Associate Administrator, and
- f. Division Directors;

24. Department of Labor personnel occupying the following offices and positions:

- a. two Deputy Commissioners,
- b. two Executive Secretaries to the Commissioner,
- c. Chief of Staff,
- d. two Administrative Assistants,
- e. Information Systems Administrator,
- f. three Safety and Health Directors,
- g. Research Director,
- h. Employment Standards Director,
- i. Asbestos Director, ~~and~~
- j. General Counsel,
- k. one Legal Secretary,
- l. one Docket Clerk, and
- m. two Information Systems Application Specialists;

25. The State Bond Advisor and his or her employees;

26. The Oklahoma Employment Security Commission employees occupying the following positions:

- a. Associate Director,
- b. Secretary to the Associate Director, and
- c. Assistant to the Executive Director;

27. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant;

28. Officers and employees of the State Banking Department;

29. Officers and employees of the University Hospitals Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;

30. Alcoholic Beverage Laws Enforcement Commission employees occupying the following positions:

- a. three Administrative Service Assistant positions, however, employees in such positions who are in the unclassified service on June 4, 2003, may make an election to be in the classified service without a loss in salary by September 1, 2003, and
- b. the Deputy Director position in addition to the one authorized by paragraph 2 of this subsection;

31. The Oklahoma State Bureau of Investigation employees occupying the following positions:

- a. five assistant directors,
- b. six special investigators,
- c. one information representative,
- d. one federally funded physical evidence technician,
- e. four federally funded laboratory analysts,
- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency, ~~and~~
- g. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- h. Child Abuse Response Team (CART) investigator, and
- i. Child Abuse Response Team (CART) forensic interviewer;

32. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics Commission,
- b. five Department of Transportation Assistant Director positions,
- c. eight field division engineer positions, ~~and~~
- d. one pilot position,
- e. five Project Manager Positions, and
- f. five Transportation Coordinators;

33. Commissioners of the Land Office employees occupying the following positions:

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,
- f. two Accounting Tech I positions,
- g. two Administrative Assistant I positions,
- h. two Imaging Specialist positions, and
- i. one Information Systems Specialist position;

34. Within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission, the following positions:

- a. six Narcotics Agent positions and three Typist Clerk/Spanish transcriptionists, including a Typist Clerk Supervisor/Spanish transcriptionist, provided, authorization for such positions shall be terminated if the federal funding for the positions is discontinued,

- b. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- c. one fiscal officer,
- d. one full-time Programmer, and
- e. one full-time Network Engineer;

35. The Military Department of the State of Oklahoma is authorized such unclassified employees within full-time employee limitations to work in any of the Department of Defense directed youth programs, the State of Oklahoma Juvenile Justice youth programs, those persons reimbursed from Armory Board or Billeting Fund accounts, and skilled trade positions;

36. Within the Oklahoma Commission on Children and Youth the following unclassified positions:

- a. one Oversight Specialist and one Community Development Planner,
- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued, and
- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection;

37. The following positions and employees of the Department of Central Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,

- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,
- l. one Property Distribution Administrator,
- m. three licensed architects assigned to the Facilities and Properties Division,
- n. three licensed engineers assigned to the Facilities and Properties Division,
- o. four construction consultants assigned to the Facilities and Properties Division,
- p. one attorney assigned to the Facilities and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information Technology Manager, one Applications Specialist and one Data Planning Specialist, and
- r. four positions assigned to Fleet Management, which shall include one Deputy Fleet Manager and three Management Analysts;

38. Four Water Quality Specialists, and four Water Resources Division Chiefs within the Oklahoma Water Resources Board;

39. J.D. McCarty Center for Children with Developmental Disabilities personnel occupying the following offices and positions:

- a. Physical Therapists,

- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

40. The Development Officer and the Director of the State Museum of History within the Oklahoma Historical Society;

41. Oklahoma Department of Agriculture, Food, and Forestry personnel occupying the following positions:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection and one Executive Assistant,
- b. nineteen Agricultural Marketing Coordinator III positions,
- c. temporary fire suppression personnel, regardless of the number of hours worked, who are employed by the Oklahoma Department of Agriculture, Food, and Forestry; provided, however, notwithstanding the provisions of any other section of law, the hours worked by such employees shall not entitle such employees to any benefits received by full-time employees,
- d. one Administrator for Human Resources,
- e. one Director of Administrative Services,
- f. one Water Quality Consumer Complaint Coordinator,
- g. one hydrologist position,
- h. Public Information Office Director,
- i. Market Development Services Director,
- j. Legal Services Director,

- k. Animal Industry Services Director,
- l. Agricultural Environmental Management Services Director,
- m. Forestry Services Director,
- n. Plant Industry and Consumer Services Director,
- o. one Grants Administrator position,
- p. Director of Laboratory Services,
- q. Chief of Communications,
- r. Public Information Manager,
- s. Inventory/Supply Officer,
- t. five Agriculture Field Inspector positions assigned the responsibility for conducting inspections and audits of agricultural grain storage warehouses. All other Agriculture Field Inspector positions and employees of the Oklahoma Department of Agriculture, Food, and Forestry shall be classified and subject to the provisions of the Merit System of Personnel Administration. On November 1, 2002, all other unclassified Agriculture Field Inspectors shall be given status in the classified service as provided in Section 840-4.2 of this title,
- u. Rural Fire Coordinator,
- v. one Agricultural Marketing Coordinator III,
- w. Food Safety Division Director,
- x. two Environmental Program Specialists,
- y. two Scale Technicians, and
- z. two Plant Protection Specialists;

42. The Contracts Administrator within the Oklahoma State Employees Benefits Council;

43. The Development Officer within the Oklahoma Department of Libraries;

44. Oklahoma Real Estate Commission personnel occupying the following offices and positions:

- a. Educational Program Director, and
- b. Data Processing Manager;

45. A Chief Consumer Credit Examiner for the Department of Consumer Credit;

46. All officers and employees of the Oklahoma Capitol Complex and Centennial Commemoration Commission;

47. All officers and employees of the Oklahoma Motor Vehicle Commission;

48. One Museum Archivist of The Will Rogers Memorial Commission;

49. One Fire Protection Engineer of the Office of the State Fire Marshal;

50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-time equivalency imposed by law on an agency. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation as an acting incumbent with the same agency; provided, the leave shall expire no later than two (2) years from the date of the acting incumbent appointment. An appointing authority may establish unclassified positions and appoint unclassified employees to perform the duties of a permanent classified employee who is on leave of absence from a classified position to serve as an acting incumbent. All unclassified appointments created pursuant to this paragraph shall expire no later than two (2) years from the date of appointment. Classified employees accepting unclassified appointments and compensation pursuant to this paragraph shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of an unclassified appointment pursuant to this

paragraph, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job family level and compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence;

51. The Oklahoma Homeland Security Director and all other positions assigned the responsibilities of working in the Oklahoma Office of Homeland Security;

52. The following eighteen (18) positions in the State Department of Health:

- a. one surveillance supervisor,
- b. one surveillance project monitor,
- c. two bilingual interviewers,
- d. eight senior interviewers, and
- e. six interviewers; ~~and~~

53. State Board of Registration for Professional Engineers and Land Surveyors personnel occupying the following offices and positions:

- a. one Director of Enforcement, and
- b. one Board Investigator;

54. One Information Systems Data Management Analyst of the Oklahoma State and Education Employees Group Insurance Board; and

55. Two Management Information Systems positions of the Office of Juvenile Affairs.

B. If an agency has the authority to employ personnel in the following offices and positions, the appointing authority shall have the discretion to appoint personnel to the unclassified service:

1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and nurses;
2. Certified public accountants;

3. Licensed attorneys;
4. Licensed veterinarians; and
5. Licensed pharmacists.

C. Effective July 1, 1996, authorization for unclassified offices, positions, or personnel contained in a bill or joint resolution shall terminate June 30 of the ensuing fiscal year after the authorization unless the authorization is codified in the Oklahoma Statutes or the termination is otherwise provided in the legislation.

D. The appointing authority of agencies participating in the statewide information systems project may establish unclassified positions and appoint unclassified employees to the project as needed. Additional unclassified positions may be established, if required, to appoint an unclassified employee to perform the duties of a permanent classified employee who is temporarily absent from a classified position as a result of assignment to this project. All unclassified appointments under this authority shall expire no later than December 31, 2007, and all unclassified positions established to support the project shall be abolished. Both the positions and appointments resulting from this authority shall be exempt from any agency FTE limitations and any limits imposed on the number of unclassified positions authorized. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation with the same agency under the provisions of this subsection; provided, the leave shall expire no later than December 31, 2007. Employees accepting the appointment and compensation shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of an unclassified appointment pursuant to this subsection, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job family level and compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence.

SECTION 4. AMENDATORY Section 42, Chapter 363, O.S.L. 2005, as amended by Section 2, Chapter 189, O.S.L. 2006 (74 O.S. Supp. 2006, Section 2241), is amended to read as follows:

Section 2241. A. For the purposes of the Oklahoma Tourism, Parks and Recreation Enhancement Act, seasonal employees shall be unclassified employees ~~not employed at a lodge or golf course operated by the Oklahoma Tourism and Recreation Department who work less than one thousand two hundred (1,200) hours in any twelve-month period and unclassified employees employed at a lodge or golf course operated by the Oklahoma Tourism and Recreation Department who work less than one thousand six hundred (1,600) hours in any twelve-month period.~~

B. The Department may employ seasonal employees throughout the calendar year. Project labor employed by the Department for a period of time necessary to complete a project shall be in the unclassified service of the state as provided by the Oklahoma Personnel Act of the Oklahoma Statutes. Such employees shall not be entitled to paid leave, paid holidays, retirement, health, dental or life insurance, and shall be exempt from any laws, rules or practices providing for such benefits.

C. The Department, in its annual budget request, shall include a summary of the use of project labor, which shall include the number of workers employed under the provisions of this section and the total wages paid to these employees.

SECTION 5. This act shall become effective July 1, 2007.

SECTION 6. 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 24th day of May, 2007.

Presiding Officer of the House of
Representatives

Passed the Senate the 24th day of May, 2007.

Presiding Officer of the Senate