

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

House Bill No. 2617

HOUSE BILL NO. 2617 - By: MCPEAK of the House and BALLENGER of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Sections 840-2.27C, as last amended by Section 3, Chapter 342, O.S.L. 2007 and 840-5.5, as last amended by Section 3, Chapter 208, O.S.L. 2007 (74 O.S. Supp. 2007, Sections 840-2.27C and 840-5.5), which relate to the Oklahoma Personnel Act; exempting certain agencies from cabinet secretary approval of reduction-in-force notices; modifying the unclassified status of certain positions within the Department of Labor; and providing an effective date.

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

1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.27C, as last
2 amended by Section 3, Chapter 342, O.S.L. 2007 (74 O.S. Supp. 2007, Section 840-2.27C),
3 is amended to read as follows:
4 Section 840-2.27C A. At least sixty (60) days before the scheduled beginning of
5 reduction-in-force separations or as otherwise provided by law, the appointing authority
6 shall post in each office of executive branch agencies affected by the proposed reduction-
7 in-force notice that a reduction-in-force will be conducted in accordance with the
8 Oklahoma Personnel Act and Merit rules. The reduction-in-force implementation plan
9 shall be provided to the Director of State Finance and any state employee association
10 representing state employees at such time. The notice shall not be posted unless
11 approved by the cabinet secretary for the agency conducting the reduction-in-force. If

1 there is no incumbent cabinet secretary for the agency, the cabinet-secretary-notice-
2 approval requirement shall not be applicable. If the appointing authority is an elected
3 official, the cabinet-secretary-notice-approval requirement shall not be applicable. The
4 approved notice shall be posted in each office affected by the proposed plan for five (5)
5 days. The appointing authority shall provide a copy of the notice to the Administrator. A
6 reduction-in-force shall not be used as a disciplinary action.

7 B. The reduction-in-force implementation plan and subsequent personnel
8 transactions directly related to the reduction-in-force in executive branch agencies shall
9 be in compliance with rules adopted by the Administrator. The reduction-in-force
10 implementation plan, including the description of and reasons for displacement limits
11 and protections from displacement actions, and severance benefits that will be offered
12 pursuant to Section 840-2.27D of this title shall be posted in each office affected by the
13 plan within five (5) business days after posting of the reduction-in-force notice. The
14 reduction-in-force implementation plan shall:

- 15 1. Provide for the appointing authority to determine the specific position or
16 positions to be abolished within specified units, divisions, facilities, agency-wide or any
17 parts thereof;
- 18 2. Provide for retention of affected employees based on type of appointment;
- 19 3. Require the separation of probationary classified affected employees in affected
20 job family levels, except those affected employees on probationary status after
21 reinstatement from permanent classified status without a break in service, prior to the

1 separation or displacement of any permanent classified affected employee in an affected
2 job family level;

3 4. Provide for retention of permanent classified affected employees in affected job
4 family levels and those affected employees on probationary status after reinstatement
5 from permanent classified status without a break in service based upon consideration of
6 years of service;

7 5. Provide for exercise of displacement opportunities by permanent classified
8 affected employees and those affected employees on probationary status after
9 reinstatement from permanent classified status without a break in service if any
10 displacement opportunities exist; and

11 6. Provide outplacement assistance and employment counseling from the
12 Oklahoma Employment Security Commission and any other outplacement assistance
13 and employment counseling made available by the agency to affected employees
14 regarding the options available pursuant to the State Government Reduction-in-Force
15 and Severance Benefits Act prior to the date that a reduction-in-force is implemented.

16 C. If an agency implements a reduction-in-force then it shall give a veteran's
17 preference over affected nonveterans who have equal retention points to the affected
18 veteran.

19 D. The Director of the Office of State Finance shall review the fiscal components of
20 the reduction-in-force implementation plan and within five (5) business days of receipt
21 reject any plan that does not:

22 1. Demonstrate that funds are available to cover projected costs:

1 2. Contain an estimate of the number of affected employees likely to participate in
2 the education voucher program established in Section 840-2.27D of this title; and

3 3. Contain an estimate of the cost savings or reduced expenditures likely to be
4 achieved by the agency.

5 If the reduction-in-force is conducted pursuant to a reorganization, the fiscal
6 components of the reduction-in-force implementation plan shall contain reasons for the
7 reorganization, which may include, but not be limited to, increased efficiency, improved
8 service delivery, or enhanced quality of service.

9 E. The appointing authority may limit displacement of affected employees at the
10 time of a reduction-in-force. Displacement limits shall not be subject to the approval of
11 the Administrator. Any limitation shall be based upon reasonable, written, articulated
12 criteria as certified by the appointing authority. If displacement is limited, the
13 appointing authority shall take action to avoid or minimize any adverse impact on
14 minorities or women.

15 1. The appointing authority may protect from displacement action up to twenty
16 percent (20%) of projected post-reduction-in-force employees in affected positions within
17 displacement limits; provided, that any fractional number resulting from the final
18 mathematical calculation of the number of those positions shall be rounded to the next
19 higher whole number. The appointing authority must explain why affected employees
20 are being protected.

21 2. If the affected employee has not held within the last five (5) years a position in
22 the job family level or predecessor class in which the affected employee is otherwise

1 eligible for a displacement opportunity, the appointing authority may determine that the
2 affected employee does not possess the recent relevant experience for the position and
3 deny in writing the displacement opportunity.

4 3. An affected permanent classified employee may exercise a displacement
5 privilege, if one exists, if the affected employee has received an overall rating of at least
6 “meets standards”, or its equivalent, on the most recent annual service rating. If an
7 affected employee has not been rated in accordance with the time limits established in
8 Section 840-4.17 of this title, the employee shall be deemed to have received an overall
9 rating of at least “meets standards” or its equivalent on the most recent service rating.

10 4. An affected employee who exercises a displacement privilege pursuant to this
11 section shall:

- 12 a. be required, as a condition of continued employment by the agency, to
13 sign an agreement, in a form to be prescribed by the Administrator of
14 the Office of Personnel Management, acknowledging that the employee
15 had an opportunity to receive severance benefits and affirmatively
16 elected to exercise a displacement privilege and to forego such benefits.
17 An affected employee who signs the agreement required by this
18 subparagraph waives any privilege which might otherwise have been
19 available to the affected employee pursuant to the agreement for the
20 provision of severance benefits, and
21 b. not have the right to exercise any subsequent right to receive
22 severance benefits from the agency for which the affected employee

1 performs services on the date that the employee exercises a
2 displacement privilege. The provisions of this section shall not
3 prohibit any person from exercising a displacement privilege in, or
4 accepting severance benefits from, more than one agency during
5 employment with the State of Oklahoma or from the agency which the
6 affected employee exercised a displacement privilege in any future
7 reduction-in-force.

8 F. An affected employee who does not agree pursuant to Section 840-2.27E of this
9 title to accept severance benefits and who does not have a displacement opportunity or
10 does not accept a displacement opportunity shall be separated by the reduction-in-force
11 and shall not receive any severance benefits that would have otherwise been provided
12 pursuant to Section 840-2.27D of this title.

13 G. Permanent classified affected employees and those affected employees on
14 probationary status after reinstatement from permanent classified status without a
15 break in service who were removed from a job family level by taking a position in another
16 job family level through displacement or separated after foregoing severance benefits
17 shall be recalled by the agency to the job family level from which they were removed in
18 inverse order of removal before the agency may appoint other persons to the job family
19 level, from the employment register, by internal action or from Priority Reemployment
20 Consideration Rosters as provided by this section. Upon declination of an offer of
21 reappointment to the job family level from which the employee was removed or eighteen

1 (18) months after the date of removal from the job family level, whichever is first, this
2 right to be recalled shall expire.

3 H. The names of permanent classified affected employees and those affected
4 employees on probationary status after reinstatement from permanent classified status
5 without a break in service who have been separated pursuant to the State Government
6 Reduction-in-Force and Severance Benefits Act, who apply and meet all requirements for
7 state jobs in the classified service shall be placed on Priority Reemployment
8 Consideration Rosters in accordance with their individual final earned ratings for a
9 maximum of eighteen (18) months after the date of separation. Before any vacant
10 position is filled by any individual eligible for initial appointment from the employment
11 register, individuals on the Priority Reemployment Consideration Rosters shall be given
12 priority consideration for reemployment by any state agency within eighteen (18) months
13 after the date of the reduction-in-force. Upon declination of an offer of reemployment to a
14 job family level having the same or higher pay band than the job family level from which
15 the employee was removed, or eighteen (18) months after the date of separation,
16 whichever is first, this priority consideration for reemployment shall expire. If an agency
17 has posted a reduction-in-force plan and implementation schedule, all affected employees
18 in positions covered by the plan and any within the displacement limits established by
19 the appointing authority of the agency who have been separated shall be eligible for
20 priority reemployment consideration.

21 I. If an agency or any part thereof is scheduled to be closed or abolished as a result
22 of legislation or a court order, the affected employees, who would be eligible for Priority

1 Reemployment Consideration after their separation in accordance with subsection H of
2 this section, may apply and, if qualified and eligible, shall be accorded Priority
3 Reemployment Consideration not to exceed twelve (12) months before the scheduled date
4 of separation. If an agency has posted a reduction-in-force plan and implementation
5 schedule, all affected employees in positions covered by the plan and any within the
6 displacement limits established by the appointing authority of the agency shall be
7 eligible for Priority Reemployment Consideration beginning with the date the schedule is
8 posted, not to exceed twelve (12) months before the scheduled date of separation.

9 J. When the Legislature is not in session, the Contingency Review Board may,
10 upon the request of the Governor, direct agencies, boards and commissions to reduce the
11 number of employees working for the agency, board or commission whenever it is deemed
12 necessary and proper. Such reduction shall be made pursuant to reduction-in-force plans
13 as provided in this section.

14 K. 1. When the Legislature is not in session, the Contingency Review Board may,
15 upon the request of the Governor, direct and require mandatory furloughs for all state
16 employees whenever it is deemed necessary and proper. The Contingency Review Board
17 shall specify the effective dates for furloughs and shall note any exceptions to state
18 employees affected by same. All classified, unclassified, exempt or nonmerit employees,
19 including those employees of agencies or offices established by statute or the
20 Constitution, shall be affected by such actions.

21 2. Mandatory furlough means the involuntary temporary reduction of work hours
22 or the placement of an employee on involuntary leave without pay. Rules governing

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 leave, longevity pay and participation in the State Employees Group Health, Dental,
2 Disability, and Life Insurance program shall not be affected by mandatory furloughs.
3 Furlough, as provided for in this section or by rules adopted by the Administrator of the
4 Office of Personnel Management, shall not be appealable under the provisions of the
5 Oklahoma Personnel Act.

6 3. Notwithstanding existing laws or provisions to the contrary, members of state
7 boards and commissions shall not receive per diem expenses during periods of mandatory
8 furlough. The Contingency Review Board shall additionally call upon elected officials,
9 members of the judiciary, and other public officers whose salary or emoluments cannot be
10 altered during current terms of office, to voluntarily donate to the General Revenue Fund
11 any portion of their salary which would otherwise have been affected by a mandatory
12 furlough.

13 L. All agencies directed by the Contingency Review Board to terminate or furlough
14 employees, shall report the cumulative cost savings achieved by the reductions-in-force
15 or furloughs to the Governor, President Pro Tempore of the Senate and Speaker of the
16 House of Representatives on a quarterly basis for one (1) year following the effective date
17 of the action.

18 M. The appointing authority of an agency which has an approved reduction-in-force
19 plan pursuant to the State Government Reduction-in-Force and Severance Benefits Act
20 may request the Administrator of the Office of Personnel Management to appoint an
21 interagency advisory task force for the purpose of assisting the agency and its employees
22 with the implementation of the reduction-in-force. The appointing authority of state

1 agencies requested by the Administrator to participate on a task force shall assign
2 appropriate administrative personnel necessary to facilitate the necessary assistance
3 required for the efficient implementation of the approved reduction-in-force.

4 SECTION 2. AMENDATORY 74 O.S. 2001, Section 840-5.5, as last amended
5 by Section 3, Chapter 208, O.S.L. 2007 (74 O.S. Supp. 2007, Section 840-5.5), is amended
6 to read as follows:

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

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

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

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

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

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

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

8 7. Election officials and employees;

9 8. Temporary employees employed to work less than one thousand (1,000) hours in
10 any twelve-month period, and seasonal employees employed by the Oklahoma Tourism
11 and Recreation Department pursuant to Section 2241 of this title who work less than one
12 thousand six hundred (1,600) hours in any twelve-month period;

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

- 15 a. administrative aides to the Commissioner,
- 16 b. executive secretaries to the Commissioner,
- 17 c. the Governor's representative of the Oklahoma Highway Safety Office
18 who shall be appointed by the Governor,
- 19 d. Highway Patrol Colonel,
- 20 e. Highway Patrol Lieutenant Colonel,
- 21 f. Highway Patrol Major,
- 22 g. Director of Finance,

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

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

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

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

- 16 a. an institution of higher learning within The Oklahoma State System of
17 Higher Education,
18 b. an institution of higher learning qualified to become coordinated with
19 The Oklahoma State System of Higher Education. For purposes of this
20 section, a student shall be considered a regularly enrolled student if
21 the student is enrolled in a minimum of five (5) hours of accredited
22 graduate courses or a minimum of ten (10) hours of accredited

1 undergraduate courses, provided, however, the student shall only be
2 required to be enrolled in a minimum of six (6) hours of accredited
3 undergraduate courses during the summer, or

4 c. high school students regularly enrolled in a high school in Oklahoma
5 and regularly attending classes during such time of enrollment;

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

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

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

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

- 17 a. Administrative aides, and executive secretaries to the Commissioners,
- 18 b. Directors of all the divisions, personnel managers and comptrollers,
- 19 c. General Counsel,
- 20 d. Public Utility Division Chief Engineer,
- 21 e. Public Utility Division Chief Accountant,
- 22 f. Public Utility Division Chief Economist,

- 1 g. Public Utility Division Deputy Director,
- 2 h. Secretary of the Commission,
- 3 i. Deputy Conservation Director,
- 4 j. Manager of Pollution Abatement,
- 5 k. Manager of Field Operations,
- 6 l. Manager of Technical Services,
- 7 m. Public Utility Division Chief of Telecommunications,
- 8 n. Director of Information Services,
- 9 o. All Data Processing employees hired on or after September 1, 2005,
- 10 p. All Public Utilities employees hired on or after September 1, 2007, and
- 11 q. All Regulatory Program Managers hired on or after September 1, 2007;

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

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

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

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

- 1 a. State Comptroller,
2 b. Administrative Officers,
3 c. Alternator Claims Auditor,
4 d. Employees hired to fulfill state compliance agency requirements under
5 Model Tribal Gaming Compacts,
6 e. Employees of the Budget Division,
7 f. Employees of the Fiscal and Research Division,
8 g. Employees hired to work on the CORE Systems Project; and
9 h. The following employees of the Information Services Division:
10 (1) Information Services Division Manager,
11 (2) Network Manager,
12 (3) Network Technician,
13 (4) Security Manager,
14 (5) Contracts/Purchasing Manager,
15 (6) Operating and Applications Manager,
16 (7) Project Manager,
17 (8) Help Desk Manager,
18 (9) Help Desk Technician,
19 (10) Quality Assurance Manager,
20 (11) ISD Analysts,
21 (12) CORE Manager,
22 (13) Enterprise System/Database Software Manager,

- 1 (14) Data Center Operations and Production Manager,
2 (15) Voice Communications Manager,
3 (16) Applications Development Manager,
4 (17) Projects Manager,
5 (18) PC's Manager,
6 (19) Servers Manager,
7 (20) Portal Manager,
8 (21) Procurement Specialists,
9 (22) Security Technicians,
10 (23) Enterprise Communications and Network Administrator,
11 (24) Server Support Specialists,
12 (25) Senior Server Support Specialists,
13 (26) Systems Support Specialists, and
14 (27) Senior Systems Support Specialists;
15 19. Employees of the Oklahoma Industrial Finance Authority;
16 20. Those positions so specified in the annual business plan of the Oklahoma
17 Department of Commerce;
18 21. Those positions so specified in the annual business plan of the Oklahoma
19 Center for the Advancement of Science and Technology;
20 22. The following positions and employees of the Oklahoma School of Science and
21 Mathematics:

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

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

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

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

- 18 a. two Deputy Commissioners,
- 19 b. two Executive Secretaries to the Commissioner,
- 20 c. Chief of Staff,
- 21 d. two Administrative Assistants,
- 22 e. Information Systems Administrator,

- 1 f. three Safety and Health Directors,
2 g. Research Director,
3 h. Employment Standards Director,
4 i. Asbestos Director,
5 j. General Counsel,
6 k. one Legal Secretary,
7 l. one Docket Clerk, ~~and~~
8 m. two Information Systems Application Specialists,
9 n. twenty-one Labor Compliance Officers,
10 o. eight Asbestos Inspectors,
11 p. five Public Employee Occupational Safety and Health Consultants,
12 q. nine Secretaries,
13 r. four Administrative Technicians,
14 s. two Administrative Program Officers,
15 t. one Public Information Officer,
16 u. one Public Information Officer Manager,
17 v. two Accountants,
18 w. one Accounting Tech,
19 x. one Certified Procurement Officer,
20 y. one Finance Manager,
21 z. one Human Resources Programs Manager,
22 aa. one Information Systems Operator,

1 bb. one Statistical Analyst,

2 cc. one Statistical Research Specialist, and

3 dd. one Statistics Manager;

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

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

7 a. Associate Director,

8 b. Secretary to the Associate Director, and

9 c. Assistant to the Executive Director;

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

12 28. Officers and employees of the State Banking Department;

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

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

20 a. three Administrative Service Assistant positions, however, employees
21 in such positions who are in the unclassified service on June 4, 2003,

1 may make an election to be in the classified service without a loss in
2 salary by September 1, 2003, and

3 b. the Deputy Director position in addition to the one authorized by
4 paragraph 2 of this subsection;

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

7 a. five assistant directors,

8 b. six special investigators,

9 c. one information representative,

10 d. one federally funded physical evidence technician,

11 e. four federally funded laboratory analysts,

12 f. a maximum of fourteen positions employed for the purpose of
13 managing the automated information systems of the agency,

14 g. one executive secretary in addition to the one authorized pursuant to
15 paragraph 2 of this subsection,

16 h. Child Abuse Response Team (CART) investigator, and

17 i. Child Abuse Response Team (CART) forensic interviewer;

18 32. The Department of Transportation, the following positions:

19 a. Director of the Oklahoma Aeronautics Commission,

20 b. five Department of Transportation Assistant Director positions,

21 c. eight field division engineer positions,

22 d. one pilot position,

- 1 e. five Project Manager Positions, and
- 2 f. five Transportation Coordinators;
- 3 33. Commissioners of the Land Office employees occupying the following positions:
- 4 a. Director of the Investments Division,
- 5 b. Assistant Director of the Investments Division,
- 6 c. one Administrative Assistant,
- 7 d. one Audit Tech position,
- 8 e. one Auditor I position,
- 9 f. two Accounting Tech I positions,
- 10 g. two Administrative Assistant I positions,
- 11 h. two Imaging Specialist positions, and
- 12 i. one Information Systems Specialist position;
- 13 34. Within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
- 14 Commission, the following positions:
- 15 a. six Narcotics Agent positions and three Typist Clerk/Spanish
- 16 transcriptionists, including a Typist Clerk Supervisor/Spanish
- 17 transcriptionist, provided, authorization for such positions shall be
- 18 terminated if the federal funding for the positions is discontinued,
- 19 b. one executive secretary in addition to the one authorized pursuant to
- 20 paragraph 2 of this subsection,
- 21 c. one fiscal officer,
- 22 d. one full-time Programmer, and

1 e. one full-time Network Engineer;

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

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

9 a. one Oversight Specialist and one Community Development Planner,

10 b. one State Plan Grant Coordinator, provided authorization for the
11 position shall be terminated when federal support for the position by
12 the United States Department of Education Early Intervention
13 Program is discontinued, and

14 c. one executive secretary in addition to the one authorized pursuant to
15 paragraph 2 of this subsection;

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

17 a. one Executive Secretary in addition to the Executive Secretary
18 authorized by paragraph 2 of this subsection,

19 b. the Director of Central Purchasing,

20 c. one Alternate Fuels Administrator,

21 d. one Director of Special Projects,

22 e. three postauditors,

- 1 f. four high-technology contracting officers,
2 g. one Executive Assistant to the Purchasing Director,
3 h. four Contracts Managers,
4 i. one Associate Director,
5 j. one specialized HiTech/Food Contracting Officer,
6 k. one State Use Contracting Officer,
7 l. one Property Distribution Administrator,
8 m. three licensed architects assigned to the Facilities and Properties
9 Division,
10 n. three licensed engineers assigned to the Facilities and Properties
11 Division,
12 o. four construction consultants assigned to the Facilities and Properties
13 Division,
14 p. one attorney assigned to the Facilities and Properties Division,
15 q. three positions assigned to the Information Services Division, which
16 shall include one Information Technology Manager, one Applications
17 Specialist and one Data Planning Specialist, and
18 r. four positions assigned to Fleet Management, which shall include one
19 Deputy Fleet Manager and three Management Analysts;

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

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

- 3 a. Physical Therapists,
- 4 b. Physical Therapist Assistants,
- 5 c. Occupational Therapists,
- 6 d. Certified Occupational Therapist Aides, and
- 7 e. Speech Pathologists;

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

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

- 12 a. one Executive Secretary in addition to the Executive Secretary
13 authorized by paragraph 2 of this subsection and one Executive
14 Assistant,
- 15 b. nineteen Agricultural Marketing Coordinator III positions,
- 16 c. temporary fire suppression personnel, regardless of the number of
17 hours worked, who are employed by the Oklahoma Department of
18 Agriculture, Food, and Forestry; provided, however, notwithstanding
19 the provisions of any other section of law, the hours worked by such
20 employees shall not entitle such employees to any benefits received by
21 full-time employees,
- 22 d. one Administrator for Human Resources,

- 1 e. one Director of Administrative Services,
2 f. one Water Quality Consumer Complaint Coordinator,
3 g. one hydrologist position,
4 h. Public Information Office Director,
5 i. Market Development Services Director,
6 j. Legal Services Director,
7 k. Animal Industry Services Director,
8 l. Agricultural Environmental Management Services Director,
9 m. Forestry Services Director,
10 n. Plant Industry and Consumer Services Director,
11 o. one Grants Administrator position,
12 p. Director of Laboratory Services,
13 q. Chief of Communications,
14 r. Public Information Manager,
15 s. Inventory/Supply Officer,
16 t. five Agriculture Field Inspector positions assigned the responsibility
17 for conducting inspections and audits of agricultural grain storage
18 warehouses. All other Agriculture Field Inspector positions and
19 employees of the Oklahoma Department of Agriculture, Food, and
20 Forestry shall be classified and subject to the provisions of the Merit
21 System of Personnel Administration. On November 1, 2002, all other

- 1 unclassified Agriculture Field Inspectors shall be given status in the
2 classified service as provided in Section 840-4.2 of this title,
- 3 u. Rural Fire Coordinator,
 - 4 v. one Agricultural Marketing Coordinator III,
 - 5 w. Food Safety Division Director,
 - 6 x. two Environmental Program Specialists,
 - 7 y. two Scale Technicians, and
 - 8 z. two Plant Protection Specialists;
- 9 42. The Contracts Administrator within the Oklahoma State Employees Benefits
10 Council;
- 11 43. The Development Officer within the Oklahoma Department of Libraries;
- 12 44. Oklahoma Real Estate Commission personnel occupying the following offices
13 and positions:
- 14 a. Educational Program Director, and
 - 15 b. Data Processing Manager;
- 16 45. A Chief Consumer Credit Examiner for the Department of Consumer Credit;
- 17 46. All officers and employees of the Oklahoma Capitol Complex and Centennial
18 Commemoration Commission;
- 19 47. All officers and employees of the Oklahoma Motor Vehicle Commission;
- 20 48. One Museum Archivist of The Will Rogers Memorial Commission;
- 21 49. One Fire Protection Engineer of the Office of the State Fire Marshal;

1 50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of
2 Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-
3 time equivalency imposed by law on an agency. Permanent classified employees may
4 request a leave of absence from classified status and accept an unclassified appointment
5 and compensation as an acting incumbent with the same agency; provided, the leave
6 shall expire no later than two (2) years from the date of the acting incumbent
7 appointment. An appointing authority may establish unclassified positions and appoint
8 unclassified employees to perform the duties of a permanent classified employee who is
9 on leave of absence from a classified position to serve as an acting incumbent. All
10 unclassified appointments created pursuant to this paragraph shall expire no later than
11 two (2) years from the date of appointment. Classified employees accepting unclassified
12 appointments and compensation pursuant to this paragraph shall be entitled to
13 participate without interruption in any benefit programs available to classified
14 employees, including retirement and insurance programs. Immediately upon
15 termination of an unclassified appointment pursuant to this paragraph, an employee on
16 assignment from the classified service shall have a right to be restored to the classified
17 service and reinstated to the former job family level and compensation plus any
18 adjustments and increases in salary or benefits which the employee would have received
19 but for the leave of absence;

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

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

- 1 a. one surveillance supervisor,
- 2 b. one surveillance project monitor,
- 3 c. two bilingual interviewers,
- 4 d. eight senior interviewers, and
- 5 e. six interviewers;

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

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

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

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

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

- 17 1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and
18 nurses;
- 19 2. Certified public accountants;
- 20 3. Licensed attorneys;
- 21 4. Licensed veterinarians; and
- 22 5. Licensed pharmacists.

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

5 D. The appointing authority of agencies participating in the statewide information
6 systems project may establish unclassified positions and appoint unclassified employees
7 to the project as needed. Additional unclassified positions may be established, if
8 required, to appoint an unclassified employee to perform the duties of a permanent
9 classified employee who is temporarily absent from a classified position as a result of
10 assignment to this project. All unclassified appointments under this authority shall
11 expire no later than December 31, 2007, and all unclassified positions established to
12 support the project shall be abolished. Both the positions and appointments resulting
13 from this authority shall be exempt from any agency FTE limitations and any limits
14 imposed on the number of unclassified positions authorized. Permanent classified
15 employees may request a leave of absence from classified status and accept an
16 unclassified appointment and compensation with the same agency under the provisions
17 of this subsection; provided, the leave shall expire no later than December 31, 2007.
18 Employees accepting the appointment and compensation shall be entitled to participate
19 without interruption in any benefit programs available to classified employees, including
20 retirement and insurance programs. Immediately upon termination of an unclassified
21 appointment pursuant to this subsection, an employee on assignment from the classified
22 service shall have a right to be restored to the classified service and reinstated to the

1 former job family level and compensation plus any adjustments and increases in salary
2 or benefits which the employee would have received but for the leave of absence.

3 SECTION 3. This act shall become effective November 1, 2008.

4 COMMITTEE REPORT BY: COMMITTEE ON ECONOMIC DEVELOPMENT AND
5 FINANCIAL SERVICES, dated 03-04-08 - DO PASS, As Coauthored.