

THE HOUSE OF REPRESENTATIVES  
Thursday, April 19, 2007

ENGROSSED  
Senate Bill No. 626  
As Amended

ENGROSSED SENATE BILL NO. 626 - By: BROGDON of the Senate and DENNEY of the House.

[ state employees - voluntary payroll deductions - Office of Personnel Management Revolving Fund - clarifying language used in certain evaluations - effective date –  
emergency ]

1 SECTION 1. AMENDATORY 62 O.S. 2001, Section 7.10, as last amended by  
2 Section 1, Chapter 49, O.S.L. 2005 (62 O.S. Supp. 2006, Section 7.10), is amended to read  
3 as follows:  
4 Section 7.10 A. 1. Upon the request of a state employee, a state agency, board, or  
5 commission shall make voluntary payroll deductions for the employee to any credit  
6 union, bank, or savings association having an office in this state.  
7 2. If the governing body of any county, municipality, or school district provides for  
8 voluntary payroll deductions to a credit union serving the employees of the county,  
9 municipality, or school district, it shall provide voluntary payroll deductions to any credit  
10 union, bank, or savings association having an office in this state which has a minimum

1 participation of twenty percent (20%) of the employees of the county, municipality, or  
2 school district.

3 B. Upon the request of a state employee and pursuant to procedures established by  
4 the Administrator of the Office of Personnel Management, a state agency, board, or  
5 commission shall make payroll deductions for:

6 1. The payment of any insurance premiums due a private insurance organization  
7 with a minimum participation of five hundred (500) state employees for life, accident,  
8 and health insurance which is supplemental to that provided for by the state;

9 2. The payment of any insurance premiums due a private insurance organization or  
10 service company which is regulated by the State Insurance Commissioner and with a  
11 minimum participation of five hundred (500) state employees for legal services;

12 3. Premiums or payments for retirement plans with a minimum participation of  
13 five hundred (500) state employees for retirement plans which are supplemental to that  
14 provided for by the state;

15 4. Salary adjustment agreements included in a flexible benefits plan as authorized  
16 by the State Employees Flexible Benefits Act;

17 5. Membership dues in the Oklahoma Public Employees Association or any other  
18 statewide association limited to state employee membership with a minimum  
19 membership of one thousand (1,000) dues-paying members. For purposes of this  
20 paragraph, state agencies shall accept online or electronically submitted forms from the  
21 Oklahoma Public Employees Association and other state employee associations. The  
22 Office of Personnel Management shall develop and implement a verification process for

1 online or electronically submitted forms which may include the use of electronic  
2 signature technology or other process as determined appropriate;

3 6. Contributions to its foundation organized pursuant to 26 U.S.C., Section  
4 501(c)(3), in the Oklahoma Public Employees Association or any other statewide  
5 association limited to state employee membership with a minimum membership of one  
6 thousand (1,000) dues-paying members;

7 7. Payments to a college savings account administered under the Oklahoma College  
8 Savings Plan Act pursuant to Section 3970.1 et seq. of Title 70 of the Oklahoma Statutes;  
9 and

10 8. Subscriptions to the Oklahoma Today magazine published by the State of  
11 Oklahoma through the Oklahoma Tourism and Recreation Department.

12 C. The administrative costs of processing payroll deductions or administering  
13 salary adjustment agreements for insurance premiums as provided for in subsection B of  
14 this section shall be a charge of two percent (2%) of the gross annual premiums for  
15 insurance plans. The administrative costs ~~of~~ incurred by the Office of Personnel  
16 Management for processing payroll deductions or administering salary adjustment  
17 agreements for payments for retirement plans as provided for in subsection B of this  
18 section shall be one percent (1%) of the gross annual payments for retirement plans.  
19 These charges shall be collected monthly from the private insurance or retirement plan  
20 organization by the Office of Personnel Management and shall be deposited ~~to the credit~~  
21 ~~of the General Revenue Fund~~ into the Office of Personnel Management Revolving Fund  
22 created by Section 840-1.20 of Title 74 of the Oklahoma Statutes. Provided that these

1 costs shall not be collected from state employees or state agencies unless otherwise  
2 directed in Section 1 et seq. of this title.

3 D. Any statewide association granted a payroll deduction prior to March 23, 1984,  
4 shall be exempt from the minimum state employee membership requirement.

5 E. Approval of a payroll deduction or salary adjustment agreement for any  
6 insurance organization, line of coverage or policy shall not be construed as an assumption  
7 of liability, for the term of policy or the performance of the insurance organization, by  
8 this state, or any of its agencies, boards, commissions, institutions or any officer or  
9 employee thereof. Contracts for such insurance shall be in all respects subject to the  
10 insurance laws of this state, and shall be enforceable solely pursuant to such laws.

11 F. The Oklahoma Employment Security Commission is authorized to deduct from  
12 the wages or salary of its employees the employees' contribution to the Oklahoma  
13 Employment Security Commission Retirement Plan.

14 G. Payroll deductions shall be made for premium payments for group insurance for  
15 retired members or beneficiaries of any state-supported retirement system upon proper  
16 authorization given by the member or beneficiary to the board from which the member or  
17 beneficiary is currently receiving retirement benefits.

18 H. Upon request of instructional personnel employed at either the Oklahoma  
19 School for the Blind or the Oklahoma School for the Deaf and pursuant to procedures  
20 established by the Administrator of the Office of Personnel Management, the  
21 Commission for Rehabilitation Services shall make payroll deductions for membership  
22 dues in any statewide educational employee organization or association.

1 SECTION 2. AMENDATORY 74 O.S. 2001, Section 840-1.20, is amended to  
2 read as follows:

3 Section 840-1.20 A. There is hereby created in the State Treasury a revolving fund  
4 for the Office of Personnel Management to be designated the "Office of Personnel  
5 Management Revolving Fund". The fund shall be a continuing fund, not subject to fiscal  
6 year limitations, and shall consist of fees received by the Office of Personnel  
7 Management for providing training for a certified public managers program and all other  
8 monies received by the Office of Personnel Management, except for appropriated monies,  
9 monies received as payment for administrative expenses under Section ~~840-14~~ 840-1.18  
10 of ~~Title 74 of the Oklahoma Statutes~~ this title, monies placed in the Employee Benefits  
11 Revolving Fund, monies placed in the Benefits Council Administration Revolving Fund,  
12 and any monies in revolving funds established by the Office of State Finance to support  
13 the operation of the Oklahoma Employees Benefits Council or to reimburse the Office of  
14 Personnel Management for services the Office provides to the Council. All monies  
15 accruing to the credit of said fund are hereby appropriated and may be budgeted and  
16 expended by the Office of Personnel Management for defraying the costs incurred in  
17 performing the duties and functions of the Office. Expenditures from said fund shall be  
18 made upon warrants issued by the State Treasurer against claims filed as prescribed by  
19 law with the Director of State Finance for approval and payment.

20 B. There is hereby created a petty cash fund not to exceed Two Hundred Fifty  
21 Dollars (\$250.00) for the Office of Personnel Management. The Director of State Finance  
22 shall prescribe the rules and procedures for the administration of the petty cash fund.

1        C. Any monies in or obligations against the Certified Public Managers Revolving  
2 Fund upon the effective date of this act shall be transferred to the Office of Personnel  
3 Management Revolving Fund.

4        SECTION 3.    AMENDATORY    74 O.S. 2001, Section 840-2.17, as last amended  
5 by Section 1, Chapter 240, O.S.L. 2006 (74 O.S. Supp. 2006, Section 840-2.17), is  
6 amended to read as follows:

7        Section 840-2.17 A. Unless otherwise provided by the Oklahoma Constitution,  
8 language in law which authorizes the setting or fixing of compensation, pay or salary of  
9 state officers and employees shall not be construed to authorize any agency, board,  
10 commission, department, institution, bureau, executive officer or other entity of the  
11 executive branch of state government to award, grant, give, authorize, or promise any  
12 officer or employee of the State of Oklahoma a raise, including, but not limited to, a cost-  
13 of-living raise or any other type of raise that would be given to state employees on an  
14 across-the-board basis, except as herein provided. Such raises are prohibited unless  
15 authorized by the Legislature and by Merit System of Personnel Administration Rules  
16 promulgated by the Administrator. This prohibition applies to all classified and  
17 unclassified officers and employees in the executive branch of state government,  
18 excluding institutions under the administrative authority of the Oklahoma State Regents  
19 for Higher Education.

20        B. However, nothing in this section shall be construed to prohibit the following  
21 actions if the action is made in good faith and not for the purpose of circumventing  
22 subsection A of this section, and if the appointing authority certifies that the action can

1 be implemented for the current fiscal year and the subsequent fiscal year without the  
2 need for additional funding to increase the personal services budget of the agency:

3 1. Salary advancements on promotion or direct reclassification to a job family level  
4 or class with a higher salary band;

5 2. Salary adjustments resulting from a pay band change for a job family level or  
6 class adopted by the Office of Personnel Management;

7 3. Increases in longevity payments pursuant to Section 840-2.18 of this title;

8 4. Payment of overtime, special entrance rates, pay differentials;

9 5. Payment of wages, salaries, or rates of pay established and mandated by law;

10 6. Market adjustments for job family levels tied to market competitiveness;

11 7. Intra-agency lateral transfers, provided that the adjustment does not exceed five  
12 percent (5%) and the adjustment is based on the needs of the agency;

13 8. Skill-based adjustments. Such adjustments, which are implemented before  
14 November 1, 2006, other than lump-sum payments, shall become permanent after  
15 twenty-four (24) months from the date such salary adjustment is implemented and may  
16 not later be removed from an employee's base salary if a furlough or reduction-in-force is  
17 implemented by the appointing authority granting such salary adjustment. Skill-based  
18 pay adjustments, which are implemented on or after November 1, 2006, and which are  
19 paid to an employee, shall be paid as long as the employee remains employed in the  
20 position and performs the skills for which the differential is due, but shall not be  
21 included as a part of the employee's base salary;

22 9. Equity-based adjustments;

1           10. Performance-based adjustments for employees who received at least a “meets  
2 standards” rating on their most current performance rating;

3           11. Career progression increases as an employee advances through job family  
4 levels; or

5           12. Salary adjustments not to exceed five percent (5%) for probationary classified  
6 employees achieving permanent status following the initial probationary period and  
7 permanent classified employees successfully completing trial periods after intra-agency  
8 lateral transfer or promotion to a different job family level or following career progression  
9 to a different job family level.

10           C. Provided, however, any reclassification for one of the purposes provided in  
11 subsection B of this section that would require additional funding by the Legislature  
12 shall not be implemented without approval of the Legislature.

13           D. The pay movement mechanisms described in paragraphs 6 through 11 in  
14 subsection B of this section shall be implemented pursuant to rules promulgated by the  
15 Administrator of the Office of Personnel Management for the classified service.

16           E. Appointing authorities may implement the pay movement mechanisms in  
17 paragraphs 6 through 12 in subsection B of this section subject to the availability of  
18 funds within the agency’s budget for the current fiscal year and subsequent fiscal year  
19 without the need for additional funding to increase the personal services budget of the  
20 agency. Failure by the appointing authority to follow the provisions of this subsection  
21 may cause the withdrawal of the use of the pay movement mechanisms provided in

1 paragraphs 6, 7, 9, 10, and 11 of subsection B of this section within the agency during the  
2 next appropriations cycle.

3 F. All agencies, boards, and commissions shall report to the Office of Personnel  
4 Management on ~~an annual~~ a fiscal-year basis the pay movement mechanisms utilized in  
5 paragraphs 6 through 12 in subsection B of this section. The report shall include the pay  
6 movement mechanisms type, frequency, amounts provided, affected classifications and  
7 job families, and other information as prescribed by the Administrator of the Office of  
8 Personnel Management. Agencies shall report this information for the twelve-month  
9 period ending ~~December 31~~ June 30 for classified and unclassified employees. ~~Agencies~~  
10 ~~must also report projected pay movement mechanisms and costs anticipated for the~~  
11 ~~balance of the fiscal year.~~ The Office of Personnel Management shall forward the report,  
12 which will include findings and recommendations, to the Governor, President Pro  
13 Tempore of the Senate, and Speaker of the House of Representatives no later than  
14 February 1 of each year.

15 SECTION 4. AMENDATORY 74 O.S. 2001, Section 840-2.27C, as last  
16 amended by Section 2, Chapter 453, O.S.L. 2005 (74 O.S. Supp. 2006, Section 840-2.27C),  
17 is amended to read as follows:

18 Section 840-2.27C A. At least sixty (60) days before the scheduled beginning of  
19 reduction-in-force separations or as otherwise provided by law, the appointing authority  
20 shall post in each office of executive branch agencies affected by the proposed reduction-  
21 in-force notice that a reduction-in-force will be conducted in accordance with the  
22 Oklahoma Personnel Act and Merit rules. The reduction-in-force implementation plan

1 shall be provided to the Director of State Finance and any state employee association  
2 representing state employees at such time. The notice shall not be posted unless  
3 approved by the cabinet secretary for the agency conducting the reduction-in-force. If  
4 there is no incumbent cabinet secretary for the agency, the cabinet-secretary-notice-  
5 approval requirement shall not be applicable. The approved notice shall be posted in  
6 each office affected by the proposed plan for five (5) days. The appointing authority shall  
7 provide a copy of the notice to the Administrator. A reduction-in-force shall not be used  
8 as a disciplinary action.

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

- 17 1. Provide for the appointing authority to determine the specific position or  
18 positions to be abolished within specified units, divisions, facilities, agency-wide or any  
19 parts thereof;
- 20 2. Provide for retention of affected employees based on type of appointment;
- 21 3. Require the separation of probationary classified affected employees in affected  
22 job family levels, except those affected employees on probationary status after

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

1 reinstatement from permanent classified status without a break in service, prior to the  
2 separation or displacement of any permanent classified affected employee in an affected  
3 job family level;

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

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

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

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

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

- 1 1. Demonstrate that funds are available to cover projected costs;
- 2 2. Contain an estimate of the number of affected employees likely to participate in
- 3 the education voucher program established in Section 840-2.27D of this title; and
- 4 3. Contain an estimate of the cost savings or reduced expenditures likely to be
- 5 achieved by the agency.

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

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

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

1           2. If the affected employee has not held within the last five (5) years a position in  
2 the job family level or predecessor class in which the affected employee is otherwise  
3 eligible for a displacement opportunity, the appointing authority may determine that the  
4 affected employee does not possess the recent relevant experience for the position and  
5 deny in writing the displacement opportunity.

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

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

- 15           a.     be required, as a condition of continued employment by the agency, to  
16                    sign an agreement, in a form to be prescribed by the Administrator of  
17                    the Office of Personnel Management, acknowledging that the employee  
18                    had an opportunity to receive severance benefits and affirmatively  
19                    elected to exercise a displacement privilege and to forego such benefits.  
20                    An affected employee who signs the agreement required by this  
21                    subparagraph waives any privilege which might otherwise have been

1 available to the affected employee pursuant to the agreement for the  
2 provision of severance benefits, and  
3 b. not have the right to exercise any subsequent right to receive  
4 severance benefits from the agency for which the affected employee  
5 performs services on the date that the employee exercises a  
6 displacement privilege. The provisions of this section shall not  
7 prohibit any person from exercising a displacement privilege in, or  
8 accepting severance benefits from, more than one agency during  
9 employment with the State of Oklahoma or from the agency which the  
10 affected employee exercised a displacement privilege in any future  
11 reduction-in-force.

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

17 G. Permanent classified affected employees and those affected employees on  
18 probationary status after reinstatement from permanent classified status without a  
19 break in service who were removed from a job family level by taking a position in another  
20 job family level through displacement or separated after foregoing severance benefits  
21 shall be recalled by the agency to the job family level from which they were removed in  
22 inverse order of removal before the agency may appoint other persons to the job family

1 level, from the employment register, by internal action or from Priority Reemployment  
2 Consideration Rosters as provided by this section. Upon declination of an offer of  
3 reappointment to the job family level from which the employee was removed or eighteen  
4 (18) months after the date of removal from the job family level, whichever is first, this  
5 right to be recalled shall expire.

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

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

1 the appointing authority of the agency who have been separated shall be eligible for  
2 priority reemployment consideration.

3 I. If an agency or any part thereof is scheduled to be closed or abolished as a result  
4 of legislation or a court order, the affected employees, who would be eligible for Priority  
5 Reemployment Consideration after their separation in accordance with subsection H of  
6 this section, may apply and, if qualified and eligible, shall be accorded Priority  
7 Reemployment Consideration not to exceed twelve (12) months before the scheduled date  
8 of separation. If an agency has posted a reduction-in-force plan and implementation  
9 schedule, all affected employees in positions covered by the plan and any within the  
10 displacement limits established by the appointing authority of the agency shall be  
11 eligible for Priority Reemployment Consideration beginning with the date the schedule is  
12 posted, not to exceed twelve (12) months before the scheduled date of separation.

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

18 K. 1. When the Legislature is not in session, the Contingency Review Board may,  
19 upon the request of the Governor, direct and require mandatory furloughs for all state  
20 employees whenever it is deemed necessary and proper. The Contingency Review Board  
21 shall specify the effective dates for furloughs and shall note any exceptions to state  
22 employees affected by same. All classified, unclassified, exempt or nonmerit employees,

1 including those employees of agencies or offices established by statute or the  
2 Constitution, shall be affected by such actions.

3 2. Mandatory furlough means the involuntary temporary reduction of work hours  
4 or the placement of an employee on involuntary leave without pay. Rules governing  
5 leave, longevity pay and participation in the State Employees Group Health, Dental,  
6 Disability, and Life Insurance program shall not be affected by mandatory furloughs.  
7 Furlough, as provided for in this section or by rules adopted by the Administrator of the  
8 Office of Personnel Management, shall not be appealable under the provisions of the  
9 Oklahoma Personnel Act.

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

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

1 M. The appointing authority of an agency which has an approved reduction-in-force  
2 plan pursuant to the State Government Reduction-in-Force and Severance Benefits Act  
3 may request the Administrator of the Office of Personnel Management to appoint an  
4 interagency advisory task force for the purpose of assisting the agency and its employees  
5 with the implementation of the reduction-in-force. The appointing authority of state  
6 agencies requested by the Administrator to participate on a task force shall assign  
7 appropriate administrative personnel necessary to facilitate the necessary assistance  
8 required for the efficient implementation of the approved reduction-in-force.

9 SECTION 5. AMENDATORY 74 O.S. 2001, Section 840-4.15, as last amended  
10 by Section 96, Chapter 5, O.S.L. 2004 (74 O.S. Supp. 2006, Section 840-4.15), is amended  
11 to read as follows:

12 Section 840-4.15 A. The appointing authority shall post announcements of a  
13 vacancy or vacancies in accordance with a promotional plan filed by the agency with the  
14 Office of Personnel Management. In order to give qualified employees an opportunity to  
15 apply for and be considered for possible promotions, the vacancy notices shall be posted  
16 at least five (5) working days prior to the closing date for the receipt of applications by  
17 the appointing authority. Promotional posting shall be required for initial entry into a  
18 job family at any level. Promotional posting shall also be required for entry into any  
19 supervisory position or level. Each agency's promotional posting plan shall describe the  
20 method by which all agency employees will be notified of vacancy announcements. The  
21 posting shall include:

- 22 1. Identification of the job family level of the vacancy or vacancies;

- 1           2. A listing of job title, major work duties and minimum qualifications;
- 2           3. The pay band and range;
- 3           4. The anticipated number of vacancies;
- 4           5. The specific location of work;
- 5           6. The time limits and procedure for filing an application with the appointing
- 6 authority; and
- 7           7. Any additional factors which the appointing authority will consider in filling the
- 8 vacancy.

9           B. The appointing authority may elect to post general promotional opportunities in  
10 accordance with the provisions of this section in cases where there are usually  
11 continuous multiple vacant positions within a given job family; provided the appointing  
12 authority maintains a promotional applicant list for each job family which is posted on  
13 the basis of general promotional opportunities. In such cases, the posting must include  
14 the length of time and conditions under which the promotional application of the  
15 candidate will remain available for active consideration by the appointing authority.

16           C. If an employee still feels that the employee has not been treated fairly with  
17 regard to a promotional action pursuant to this section after such complaint has been  
18 reviewed in a formal grievance procedure conducted in accordance with the provisions of  
19 Section 840-6.2 of this title, the employee may seek a remedy through the procedures  
20 established in the Oklahoma Personnel Act. If a violation of Section 840-2.9 of this title  
21 has been committed, the Oklahoma Merit Protection Commission may declare a position  
22 open.

1 D. Prior to re-posting a notice of vacancy for a position that was not filled after the  
2 first notice was posted, the appointing authority must receive approval from the  
3 Administrator of the Office of Personnel Management prior to making any qualification  
4 changes to the position to be filled.

5 SECTION 6. AMENDATORY 74 O.S. 2001, Section 840-5.16, is amended to  
6 read as follows:

7 Section 840-5.16 A. There is hereby created the State Work Incentive Program  
8 aimed at employing participants in the Temporary Assistance for Needy Families  
9 Program in Oklahoma and vocational rehabilitation clients of the State Department of  
10 Rehabilitation Services in the state service. The program shall focus on placement of  
11 persons in entry-level positions. The Department of Human Services and the State  
12 Department of Rehabilitation Services shall notify agencies in all branches of state  
13 government of this program and shall certify to appointing authorities and the  
14 Administrator of the Office of Personnel Management that a person is a participant in  
15 the Temporary Assistance for Needy Families Program or is a vocational rehabilitation  
16 client of the State Department of Rehabilitation Services before the person is eligible to  
17 be employed under the State Work Incentive Program by a state agency. Agencies shall  
18 cooperate with the Department of Human Services and the State Department of  
19 Rehabilitation Services in seeking to provide employment opportunities to persons who  
20 are participants in the Temporary Assistance for Needy Families Program or who are  
21 vocational rehabilitation clients of the State Department of Rehabilitation Services. The  
22 Department of Human Services, the State Department of Rehabilitation Services and the

1 Office of Personnel Management shall coordinate with agencies to facilitate the  
2 transition of participants in the Temporary Assistance for Needy Families Program and  
3 vocational rehabilitation clients of the State Department of Rehabilitation Services into  
4 the State Work Incentive Program.

5 B. Agencies employing eligible persons in the State Work Incentive Program shall  
6 employ them in unclassified status for up to two (2) years in full-time or part-time  
7 capacity. State Work Incentive Program positions shall not be included within any  
8 limitation on full-time-equivalent employee positions for any agency. The service of  
9 participants shall be rated pursuant to Section 840-4.17 of this title.

10 C. Employees hired under the State Work Incentive Program are eligible for leave  
11 benefits and other benefits available to state employees, subject to other eligibility  
12 requirements, and may be reassigned or promoted while they are participating in the  
13 program.

14 D. Employees hired under the State Work Incentive Program shall be eligible for  
15 conversion to permanent classified status after two (2) years of continuous participation  
16 in the program. Such employee shall be exempt from probationary hiring procedures  
17 including, but not limited to, placement on hiring lists and certification from registers,  
18 provided the employee:

19 1. Has had satisfactory performance as evidenced by service ratings conducted  
20 pursuant to Section 840-4.17 of this title; and

21 2. Possesses the minimum requirements specified for an applicable job; ~~and~~

1       ~~3. Passes any entrance examination required for the applicable job by the Office of~~  
2 ~~Personnel Management, or a person with severe disabilities and is eligible to be hired~~  
3 ~~pursuant to Section 840-4.12 of this title.~~

4       The Administrator of the Office of Personnel Management shall promulgate such  
5 rules as are necessary for the implementation of the State Work Incentive Program.

6       SECTION 7.    AMENDATORY    74 O.S. 2001, Section 840-5.5, as last amended  
7 by Section 3, Chapter 47, 2nd Extraordinary Session, O.S.L. 2006 (74 O.S. Supp. 2006,  
8 Section 840-5.5), is amended to read as follows:

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

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

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

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

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

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

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

11           7. Election officials and employees;

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

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

- 21           a.       administrative aides to the Commissioner,  
22           b.       executive secretaries to the Commissioner,

- 1 c. the Governor’s representative of the Oklahoma Highway Safety Office  
2 who shall be appointed by the Governor,  
3 d. Highway Patrol Colonel,  
4 e. Highway Patrol Lieutenant Colonel,  
5 f. Highway Patrol Major,  
6 g. Director of Finance,  
7 h. noncommissioned pilots,  
8 i. Information Systems Administrator,  
9 j. Law Enforcement Telecommunications System Specialist,  
10 k. Director of Driver License Administration,  
11 l. Director of Transportation Division,  
12 m. Director of the Alcohol and Drug Countermeasures Unit,  
13 n. Director of the Oklahoma Highway Safety Office,  
14 o. Civil Rights Administrator,  
15 p. Budget Analyst,  
16 q. Comptroller,  
17 r. Chaplain,  
18 s. Helicopter Mechanic,  
19 t. Director of Safety Compliance,  
20 u. Human Resources Director,  
21 v. Administrator of Department Services, and

1 w. a maximum of seven (7) positions for the purpose of administering  
2 programs in the Oklahoma Highway Safety Office, within full-time  
3 employee limitations of the Department, employed with federal  
4 funding that is continuing or indefinitely renewable. The  
5 authorization for such positions shall be terminated if the federal  
6 funding for positions is discontinued;

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

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

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

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

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

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

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

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

- 3           a.     Administrative aides, and executive secretaries to the Commissioners,
- 4           b.     Directors of all the divisions, personnel managers and comptrollers,
- 5           c.     General Counsel,
- 6           d.     Public Utility Division Chief Engineer,
- 7           e.     Public Utility Division Chief Accountant,
- 8           f.     Public Utility Division Chief Economist,
- 9           g.     Public Utility Division Deputy Director,
- 10          h.     Secretary of the Commission,
- 11          i.     Deputy Conservation Director,
- 12          j.     Manager of Pollution Abatement,
- 13          k.     Manager of Field Operations,
- 14          l.     Manager of Technical Services,
- 15          m.     Public Utility Division Chief of Telecommunications,
- 16          n.     Director of Information Services, and
- 17          o.     All Data Processing employees hired on or after September 1, 2005;

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

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

- 1 a. Director of Facility,
- 2 b. Deputy Director for Administration,
- 3 c. Clinical Services Director,
- 4 d. Executive Secretary to Director, and
- 5 e. Directors or Heads of Departments or Services;
- 6 18. Office of State Finance personnel occupying the following offices and positions:
- 7 a. State Comptroller,
- 8 b. Administrative Officers,
- 9 c. Alternator Claims Auditor,
- 10 d. Employees hired to fulfill state compliance agency requirements under
- 11 Model Tribal Gaming Compacts,
- 12 e. Employees of the Budget Division,
- 13 f. Employees of the Fiscal and Research Division,
- 14 g. Employees hired to work on the CORE Systems Project; and
- 15 h. The following employees of the Information Services Division:
- 16 (1) Information Services Division Manager,
- 17 (2) Network Manager,
- 18 (3) Network Technician,
- 19 (4) Security Manager,
- 20 (5) Contracts/Purchasing Manager,
- 21 (6) Operating and Applications Manager,
- 22 (7) Project Manager,

- 1                   (8)    Help Desk Manager,  
2                   (9)    Help Desk Technician,  
3                   (10)   Quality Assurance Manager,  
4                   (11)   ISD Analysts,  
5                   (12)   CORE Manager,  
6                   (13)   Enterprise System/Database Software Manager,  
7                   (14)   Data Center Operations and Production Manager,  
8                   (15)   Voice Communications Manager,  
9                   (16)   Applications Development Manager,  
10                  (17)   Projects Manager,  
11                  (18)   PC's Manager,  
12                  (19)   Servers Manager,  
13                  (20)   Portal Manager, and  
14                  (21)   Procurement Specialist;  
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, ~~and~~  
13 c. one Workforce Planning Manager,  
14 d. Assistant Administrators,  
15 e. 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, and
- 5           j.     General Counsel;
- 6         25. The State Bond Advisor and his or her employees;
- 7         26. The Oklahoma Employment Security Commission employees occupying the
- 8 following positions:
- 9           a.     Associate Director,
- 10          b.     Secretary to the Associate Director, and
- 11          c.     Assistant to the Executive Director;
- 12         27. Oklahoma Human Rights Commission personnel occupying the position of
- 13 Administrative Assistant;
- 14         28. Officers and employees of the State Banking Department;
- 15         29. Officers and employees of the University Hospitals Authority except personnel
- 16 in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma
- 17 Statutes and members of the University Hospitals Authority Model Personnel System
- 18 created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or
- 19 as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;
- 20         30. Alcoholic Beverage Laws Enforcement Commission employees occupying the
- 21 following positions:

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

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

- 9           a.     five assistant directors,  
10           b.     six special investigators,  
11           c.     one information representative,  
12           d.     one federally funded physical evidence technician,  
13           e.     four federally funded laboratory analysts,  
14           f.     a maximum of fourteen positions employed for the purpose of  
15                    managing the automated information systems of the agency, and  
16           g.     one executive secretary in addition to the one authorized pursuant to  
17                    paragraph 2 of this subsection;

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, and  
22           d.     one pilot position;

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

- 2 a. Director of the Investments Division,
- 3 b. Assistant Director of the Investments Division,
- 4 c. one Administrative Assistant,
- 5 d. one Audit Tech position,
- 6 e. one Auditor I position,
- 7 f. two Accounting Tech I positions,
- 8 g. two Administrative Assistant I positions,
- 9 h. two Imaging Specialist positions, and
- 10 i. one Information Systems Specialist position;

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

- 13 a. six Narcotics Agent positions and three Typist Clerk/Spanish  
14 transcriptionists, including a Typist Clerk Supervisor/Spanish  
15 transcriptionist, provided, authorization for such positions shall be  
16 terminated if the federal funding for the positions is discontinued,
- 17 b. one executive secretary in addition to the one authorized pursuant to  
18 paragraph 2 of this subsection,
- 19 c. one fiscal officer,
- 20 d. one full-time Programmer, and
- 21 e. one full-time Network Engineer;

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

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

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

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

- 16           a.     one Executive Secretary in addition to the Executive Secretary  
17           authorized by paragraph 2 of this subsection,
- 18           b.     the Director of Central Purchasing,
- 19           c.     one Alternate Fuels Administrator,
- 20           d.     one Director of Special Projects,
- 21           e.     three postauditors,
- 22           f.     four high-technology contracting officers,

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

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

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

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

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

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

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

- 1 g. one hydrologist position,  
2 h. Public Information Office Director,  
3 i. Market Development Services Director,  
4 j. Legal Services Director,  
5 k. Animal Industry Services Director,  
6 l. Agricultural Environmental Management Services Director,  
7 m. Forestry Services Director,  
8 n. Plant Industry and Consumer Services Director,  
9 o. one Grants Administrator position,  
10 p. Director of Laboratory Services,  
11 q. Chief of Communications,  
12 r. Public Information Manager,  
13 s. Inventory/Supply Officer,  
14 t. five Agriculture Field Inspector positions assigned the responsibility  
15 for conducting inspections and audits of agricultural grain storage  
16 warehouses. All other Agriculture Field Inspector positions and  
17 employees of the Oklahoma Department of Agriculture, Food, and  
18 Forestry shall be classified and subject to the provisions of the Merit  
19 System of Personnel Administration. On November 1, 2002, all other  
20 unclassified Agriculture Field Inspectors shall be given status in the  
21 classified service as provided in Section 840-4.2 of this title,  
22 u. Rural Fire Coordinator,

- 1 v. one Agricultural Marketing Coordinator III,
- 2 w. Food Safety Division Director,
- 3 x. two Environmental Program Specialists,
- 4 y. two Scale Technicians, and
- 5 z. two Plant Protection Specialists;

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

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

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

11 a. Educational Program Director, and

12 b. Data Processing Manager;

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

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

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

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

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

19 50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of  
20 Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-  
21 time equivalency imposed by law on an agency. Permanent classified employees may  
22 request a leave of absence from classified status and accept an unclassified appointment

1 and compensation as an acting incumbent with the same agency; provided, the leave  
2 shall expire no later than two (2) years from the date of the acting incumbent  
3 appointment. An appointing authority may establish unclassified positions and appoint  
4 unclassified employees to perform the duties of a permanent classified employee who is  
5 on leave of absence from a classified position to serve as an acting incumbent. All  
6 unclassified appointments created pursuant to this paragraph shall expire no later than  
7 two (2) years from the date of appointment. Classified employees accepting unclassified  
8 appointments and compensation pursuant to this paragraph shall be entitled to  
9 participate without interruption in any benefit programs available to classified  
10 employees, including retirement and insurance programs. Immediately upon  
11 termination of an unclassified appointment pursuant to this paragraph, an employee on  
12 assignment from the classified service shall have a right to be restored to the classified  
13 service and reinstated to the former job family level and compensation plus any  
14 adjustments and increases in salary or benefits which the employee would have received  
15 but for the leave of absence;

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

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

- 19 a. one surveillance supervisor,
- 20 b. one surveillance project monitor,
- 21 c. two bilingual interviewers,
- 22 d. eight senior interviewers, and

1 e. six interviewers; and

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

4 a. one Director of Enforcement, and

5 b. one Board Investigator.

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

9 1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and  
10 nurses;

11 2. Certified public accountants;

12 3. Licensed attorneys;

13 4. Licensed veterinarians; and

14 5. Licensed pharmacists.

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

19 D. The appointing authority of agencies participating in the statewide information  
20 systems project may establish unclassified positions and appoint unclassified employees  
21 to the project as needed. Additional unclassified positions may be established, if  
22 required, to appoint an unclassified employee to perform the duties of a permanent

1 classified employee who is temporarily absent from a classified position as a result of  
2 assignment to this project. All unclassified appointments under this authority shall  
3 expire no later than December 31, 2007, and all unclassified positions established to  
4 support the project shall be abolished. Both the positions and appointments resulting  
5 from this authority shall be exempt from any agency FTE limitations and any limits  
6 imposed on the number of unclassified positions authorized. Permanent classified  
7 employees may request a leave of absence from classified status and accept an  
8 unclassified appointment and compensation with the same agency under the provisions  
9 of this subsection; provided, the leave shall expire no later than December 31, 2007.  
10 Employees accepting the appointment and compensation shall be entitled to participate  
11 without interruption in any benefit programs available to classified employees, including  
12 retirement and insurance programs. Immediately upon termination of an unclassified  
13 appointment pursuant to this subsection, an employee on assignment from the classified  
14 service shall have a right to be restored to the classified service and reinstated to the  
15 former job family level and compensation plus any adjustments and increases in salary  
16 or benefits which the employee would have received but for the leave of absence.

17 SECTION 8. AMENDATORY 74 O.S. 2001, Section 4121, as amended by  
18 Section 1, Chapter 325, O.S.L. 2002 (74 O.S. Supp. 2006, Section 4121), is amended to  
19 read as follows:

20 Section 4121. A. In order to establish a public employee benefit program to  
21 encourage outstanding performance in the workplace, the Administrator of the Office of  
22 Personnel Management is hereby directed to establish an on-the-job employee

1 performance recognition program which encourages outstanding job performance and  
2 productivity.

3 B. In order to promote excellence in job performance and provide recognition for  
4 work units with exceptional performance, state agencies are authorized to expend from  
5 monies available in the agency's operating funds so much thereof as may be necessary for  
6 the purchase of recognition awards for presentation to the members of work units or  
7 individual employees with exceptional job performance records or for other significant  
8 contributions to the operation of the agency. State agencies may also provide for such  
9 recognition awards to be cash awards.

10 C. Recognition awards may be presented to members of work units or individual  
11 employees having exceptional job performance records or other significant contributions  
12 and such awards may be presented at a formal or informal ceremony, banquet or  
13 reception, the cost of which may be expended from monies available in the agency's  
14 operating funds.

15 D. 1. Recognition awards may consist of distinctive wearing apparel, service pins,  
16 plaques, writing pens, or other distinguished awards of a value not exceeding One  
17 Hundred Fifty Dollars (\$150.00) per recognized employee each fiscal year to recognize  
18 the achievement of the work unit or individual employee.

19 2. In addition to recognition awards listed in paragraph 1 of this subsection, the  
20 agency may establish an employee ~~performance and conduct~~ cash recognition program  
21 not to exceed ~~Two Hundred Fifty Dollars (\$250.00)~~ Five Hundred Dollars (\$500.00) per

1 recognized employee each fiscal year ~~for cash awards to recognize outstanding~~  
2 ~~performance in the workplace by the employees of the agency.~~

3 SECTION 9. This act shall become effective July 1, 2007.

4 SECTION 10. It being immediately necessary for the preservation of the public  
5 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
6 this act shall take effect and be in full force from and after its passage and approval.

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
8 dated 04-18-07 - DO PASS, As Amended.