

3 Senate Bill No. 1553

4 SENATE BILL NO. 1553 - By: GUMM of the Senate and JACKSON of the
5 House.

6 An Act relating to state government; amending 74 O.S. 2001,
7 Section 840-1.6A, as last amended by Section 1, Chapter 312,
8 O.S.L. 2004 (74 O.S. Supp. 2007, Section 840-1.6A), which
9 relates to the Office of Personnel Management; requiring all
10 agencies of the executive branch to submit job descriptions
11 for certain positions to the Office of Personnel Management;
12 requiring certain format; providing for promulgation of
13 rules; and providing an effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-1.6A, as
16 last amended by Section 1, Chapter 312, O.S.L. 2004 (74 O.S. Supp.
17 2007, Section 840-1.6A), is amended to read as follows:

18 Section 840-1.6A There is hereby created the Office of
19 Personnel Management. The chief administrative officer of said
20 Office of Personnel Management shall be the Administrator who shall
21 be experienced in the field, theory, and application of personnel
22 administration. The Administrator shall be appointed by the
23 Governor with the confirmation of the Senate, and serve at the
24 Governor's pleasure. In addition to the other duties imposed by
25 law, the Administrator shall:

- 1 1. Be responsible for the development of an efficient and
2 effective system of personnel administration that meets the
3 management needs of the various agencies;
- 4 2. Effective July 1, 1995, organize the Office to provide both
5 service and regulatory functions that are effective and efficient in
6 meeting the management needs of various state agencies. The
7 Administrator is directed to establish an agency service function to
8 assist agencies with human resource needs based upon the
9 administrative capacity and resources of the various agencies;
- 10 3. Prepare, maintain, and revise a classified system of
11 employment designed to assure the impartial consideration of
12 applicants for employment and to protect state employees from
13 arbitrary dismissal or unfair treatment;
- 14 4. Develop and maintain a classification and compensation
15 system for all classified positions in the executive branch of state
16 government including those established by the Oklahoma Constitution;
- 17 5. Require that all agencies of the executive branch shall
18 submit job descriptions for unclassified positions to the Office of
19 Personnel Management. The job descriptions shall be based on a
20 standardized format as prescribed by the Office of Personnel
21 Management. The Office of Personnel Management shall promulgate and
22 implement rules necessary to perform the duties imposed by this
23 paragraph.

1 6. Conduct an analysis of the rates of pay prevailing in the
2 state in the public and private sectors for comparable jobs and
3 report the findings to the Governor, the President Pro Tempore of
4 the Senate, and the Speaker of the House of Representatives no later
5 than December 1 of each year. Such analysis shall include all forms
6 of compensation including fringe benefits. Information solicited by
7 the Office of Personnel Management from public and private sector
8 employers for such analysis, including but not limited to salaries,
9 benefits, and compensation policies and procedures, shall be
10 confidential and shall not be subject to disclosure under the
11 Oklahoma Open Records Act;

12 ~~6.~~ 7. Develop a program for the recruitment of qualified
13 persons, including the administration of valid job-related
14 nondiscriminatory selection procedures providing for competitive
15 examinations when practical and for reasonable selection criteria
16 when competitive examinations are not practical. As part of the
17 recruitment program established by this section, the Administrator
18 may identify positions or job family levels for expedited
19 recruitment. Such expedited recruitment jobs may include only those
20 jobs where education, experience or certification requirements
21 substantially limit the pool of available applicants. Applicants
22 who have been certified by the Office of Personnel Management as
23 meeting the minimum qualifications for such jobs may be referred to

1 agencies with vacancies in such jobs without examination or ranking,
2 and may be eligible for appointment upon referral. However, a
3 referral may not occur until the register for the job has been
4 publicly announced for at least fourteen (14) calendar days. The
5 Administrator may remove positions or job family levels from
6 expedited recruitment at any time. The Administrator shall adopt
7 rules to implement expedited recruitment;

8 ~~7-~~ 8. Implement state affirmative action policies, and assure
9 equal employment opportunity;

10 ~~8-~~ 9. Develop and implement a reasonable and expeditious method
11 for referral of capable candidates for vacancies, probationary
12 periods of employment, and the employment of individuals on other
13 types of appointments as necessary;

14 ~~9-~~ 10. Assist state agencies in implementing their duties and
15 obligations pursuant to the Oklahoma Personnel Act, Section 840-1.1
16 et seq. of this title, and provide standard forms to the agencies if
17 necessary;

18 ~~10-~~ 11. Develop, in cooperation with appointing authorities,
19 employee training programs, management training programs, a
20 certified public manager program, a recruiting program, and a system
21 of performance appraisals, and assist appointing authorities in the
22 setting of productivity goals. The Administrator may establish and
23 collect fees for participation in training programs. The

1 Administrator is authorized to purchase awards for presentation to
2 state employees as part of employee recognition activities sponsored
3 by the Office of Personnel Management;

4 ~~11.~~ 12. Establish rules for leave and pay including, but not
5 limited to, rules for leave, furloughs, performance pay increases,
6 rates for pay differentials, on-call pay, and other types of pay
7 incentives and salary adjustments consistent with the Oklahoma
8 Personnel Act;

9 ~~12.~~ 13. Prepare and submit an annual budget covering the costs
10 of administering the personnel program;

11 ~~13.~~ 14. Make an annual report regarding the work of the Office
12 of Personnel Management;

13 ~~14.~~ 15. Adopt and implement rules necessary to perform the
14 duties imposed by law on the Office of Personnel Management in
15 accordance with the provisions of the Administrative Procedures Act.
16 All rules adopted by the Oklahoma Merit Protection Commission shall
17 remain in full force and effect until modified by the appropriate
18 authority;

19 ~~15.~~ 16. Assist the Oklahoma Merit Protection Commission and the
20 Executive Director in effectuating their duties, enforcement of the
21 rules of the Merit System of Personnel Administration, and
22 implementation of corrective action issued by the Commission;

1 ~~16.~~ 17. Be responsible for the development and maintenance of a
2 uniform occupation code system, grouped by job titles or duties, for
3 all classified and unclassified state positions. Said
4 responsibility shall include the establishment of rules governing
5 the identification, tracking, and reporting of all state positions
6 as provided in Section 840-2.13 of this title;

7 ~~17.~~ 18. Be responsible for advising state agencies on personnel
8 policy and administration;

9 ~~18.~~ 19. Establish standards for continuing training, including
10 affirmative action, and certification of personnel professionals in
11 the executive branch of state government, excluding institutions
12 within The Oklahoma State System of Higher Education. Employees
13 appointed to professional personnel positions shall complete an
14 initial training program within six (6) months after assuming the
15 professional personnel position. Thereafter, they shall complete
16 annual training requirements. Each appointing authority shall
17 ensure that all professional personnel employees are notified of,
18 and scheduled to attend, required training programs and shall make
19 time available for employees to complete the programs. The
20 Administrator shall be authorized to bill agencies for the training
21 of personnel professionals pursuant to this paragraph to recover
22 reasonable costs associated with the training. Monies received for
23 such training shall be deposited in the Office of Personnel

1 Management Revolving Fund. Expenditure of such funds collected for
2 the training shall be exempt from any expenditure limit on the
3 Office of Personnel Management established by law;

4 ~~19.~~ 20. Conduct a study identifying the following, by job
5 family descriptor(s):

- 6 a. selected job family levels with a turnover rate in
7 excess of ten percent (10%),
- 8 b. selected job family levels identified by the
9 Administrator of the Office of Personnel Management
10 with salaries and benefits that are ten percent (10%)
11 or more below the market for such position(s), and
- 12 c. selected job family levels identified by the
13 Administrator of the Office of Personnel Management in
14 which recruitment efforts have yielded a low number of
15 qualified applicants.

16 The initial study shall be conducted by December 1, 2001, and every
17 two (2) years thereafter;

18 ~~20.~~ 21. Issue orders directing agencies to:

- 19 a. conform and comply with the provisions of the Oklahoma
20 Personnel Act, the Merit Rules of Personnel
21 Administration, and all memoranda or other written
22 communications issued to agencies explaining the
23 Oklahoma Personnel Act, the Rules, and any other

1 matter relating to the Merit System of Personnel
2 Administration or under the jurisdiction of the
3 Administrator of the Office of Personnel Management,
4 and

5 b. take action pursuant to Section 840-6.9 of this title
6 ~~for failure to implement those orders;~~

7 ~~21.~~ 22. Establish a workforce planning function within the
8 Office of Personnel Management to assist state agencies in analyzing
9 the current workforce, determining future workforce needs, and
10 implementing solutions so that agencies may accomplish their
11 missions; and

12 ~~22.~~ 23. Establish a quality management function within the
13 Office of Personnel Management to assist state agencies in fully
14 integrating quality management concepts and models into their
15 business practices for the purpose of improving the overall
16 efficiency and effectiveness of state government.

17 SECTION 2. This act shall become effective November 1, 2008.

18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 2-18-08
19 - DO PASS, As Coauthored.