

CS for SB 626

1 THE STATE SENATE  
2 Monday, February 26, 2007

3 Committee Substitute for  
4 Senate Bill No. 626

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 626 - By: BROGDON of the  
6 Senate and DENNEY of the House.

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

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

12 SECTION 1. AMENDATORY 62 O.S. 2001, Section 7.10, as  
13 last amended by Section 1, Chapter 49, O.S.L. 2005 (62 O.S. Supp.  
14 2006, Section 7.10), is amended to read as follows:

15 Section 7.10 A. 1. Upon the request of a state employee, a  
16 state agency, board, or commission shall make voluntary payroll  
17 deductions for the employee to any credit union, bank, or savings  
18 association having an office in this state.

19 2. If the governing body of any county, municipality, or school  
20 district provides for voluntary payroll deductions to a credit union  
21 serving the employees of the county, municipality, or school  
22 district, it shall provide voluntary payroll deductions to any  
23 credit union, bank, or savings association having an office in this  
24 state which has a minimum participation of twenty percent (20%) of  
25 the employees of the county, municipality, or school district.

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

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

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

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

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

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

1 associations. The Office of Personnel Management shall develop and  
2 implement a verification process for online or electronically  
3 submitted forms which may include the use of electronic signature  
4 technology or other process as determined appropriate;

5 6. Contributions to its foundation organized pursuant to 26  
6 U.S.C., Section 501(c)(3), in the Oklahoma Public Employees  
7 Association or any other statewide association limited to state  
8 employee membership with a minimum membership of one thousand  
9 (1,000) dues-paying members;

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

13 8. Subscriptions to the Oklahoma Today magazine published by  
14 the State of Oklahoma through the Oklahoma Tourism and Recreation  
15 Department.

16 C. The administrative costs of processing payroll deductions or  
17 administering salary adjustment agreements for insurance premiums as  
18 provided for in subsection B of this section shall be a charge of  
19 two percent (2%) of the gross annual premiums for insurance plans.  
20 The administrative costs ~~of~~ incurred by the Office of Personnel  
21 Management for processing payroll deductions or administering salary  
22 adjustment agreements for payments for retirement plans as provided  
23 for in subsection B of this section shall be one percent (1%) of the

1 gross annual payments for retirement plans. These charges shall be  
2 collected monthly from the private insurance or retirement plan  
3 organization by the Office of Personnel Management and shall be  
4 deposited ~~to the credit of the General Revenue Fund~~ into the Office  
5 of Personnel Management Revolving Fund created by Section 840-1.20  
6 of this title. Provided that these costs shall not be collected  
7 from state employees or state agencies unless otherwise directed in  
8 Section 1 et seq. of this title.

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

12 E. Approval of a payroll deduction or salary adjustment  
13 agreement for any insurance organization, line of coverage or policy  
14 shall not be construed as an assumption of liability, for the term  
15 of policy or the performance of the insurance organization, by this  
16 state, or any of its agencies, boards, commissions, institutions or  
17 any officer or employee thereof. Contracts for such insurance shall  
18 be in all respects subject to the insurance laws of this state, and  
19 shall be enforceable solely pursuant to such laws.

20 F. The Oklahoma Employment Security Commission is authorized to  
21 deduct from the wages or salary of its employees the employees'  
22 contribution to the Oklahoma Employment Security Commission  
23 Retirement Plan.

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

6 H. Upon request of instructional personnel employed at either  
7 the Oklahoma School for the Blind or the Oklahoma School for the  
8 Deaf and pursuant to procedures established by the Administrator of  
9 the Office of Personnel Management, the Commission for  
10 Rehabilitation Services shall make payroll deductions for membership  
11 dues in any statewide educational employee organization or  
12 association.

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

15 Section 840-1.20 A. There is hereby created in the State  
16 Treasury a revolving fund for the Office of Personnel Management to  
17 be designated the "Office of Personnel Management Revolving Fund".  
18 The fund shall be a continuing fund, not subject to fiscal year  
19 limitations, and shall consist of fees received by the Office of  
20 Personnel Management for providing training for a certified public  
21 managers program and all other monies received by the Office of  
22 Personnel Management, except for appropriated monies, monies  
23 received as payment for administrative expenses under Section ~~840-14~~

1 ~~840-1.18 of Title 74 of the Oklahoma Statutes~~ this title, monies  
2 placed in the Employee Benefits Revolving Fund, monies placed in the  
3 Benefits Council Administration Revolving Fund, and any monies in  
4 revolving funds established by the Office of State Finance to  
5 support the operation of the Oklahoma Employees Benefits Council or  
6 to reimburse the Office of Personnel Management for services the  
7 Office provides to the Council. All monies accruing to the credit  
8 of said fund are hereby appropriated and may be budgeted and  
9 expended by the Office of Personnel Management for defraying the  
10 costs incurred in performing the duties and functions of the Office.  
11 Expenditures from said fund shall be made upon warrants issued by  
12 the State Treasurer against claims filed as prescribed by law with  
13 the Director of State Finance for approval and payment.

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

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

21 SECTION 3. AMENDATORY 74 O.S. 2001, Section 840-2.17, as  
22 last amended by Section 1, Chapter 240, O.S.L. 2006 (74 O.S. Supp.  
23 2006, Section 840-2.17), is amended to read as follows:

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

17           B. However, nothing in this section shall be construed to  
18 prohibit the following actions if the action is made in good faith  
19 and not for the purpose of circumventing subsection A of this  
20 section, and if the appointing authority certifies that the action  
21 can be implemented for the current fiscal year and the subsequent  
22 fiscal year without the need for additional funding to increase the  
23 personal services budget of the agency:

- 1        1. Salary advancements on promotion or direct reclassification  
2 to a job family level or class with a higher salary band;
- 3        2. Salary adjustments resulting from a pay band change for a  
4 job family level or class adopted by the Office of Personnel  
5 Management;
- 6        3. Increases in longevity payments pursuant to Section 840-2.18  
7 of this title;
- 8        4. Payment of overtime, special entrance rates, pay  
9 differentials;
- 10       5. Payment of wages, salaries, or rates of pay established and  
11 mandated by law;
- 12       6. Market adjustments for job family levels tied to market  
13 competitiveness;
- 14       7. Intra-agency lateral transfers, provided that the adjustment  
15 does not exceed five percent (5%) and the adjustment is based on the  
16 needs of the agency;
- 17       8. Skill-based adjustments. Such adjustments, which are  
18 implemented before November 1, 2006, other than lump-sum payments,  
19 shall become permanent after twenty-four (24) months from the date  
20 such salary adjustment is implemented and may not later be removed  
21 from an employee's base salary if a furlough or reduction-in-force  
22 is implemented by the appointing authority granting such salary  
23 adjustment. Skill-based pay adjustments, which are implemented on

1 or after November 1, 2006, and which are paid to an employee, shall  
2 be paid as long as the employee remains employed in the position and  
3 performs the skills for which the differential is due, but shall not  
4 be included as a part of the employee's base salary;

5 9. Equity-based adjustments;

6 10. Performance-based adjustments for employees who received at  
7 least a "meets standards" rating on their most current performance  
8 rating;

9 11. Career progression increases as an employee advances  
10 through job family levels; or

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

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

21 D. The pay movement mechanisms described in paragraphs 6  
22 through 11 in subsection B of this section shall be implemented

1 pursuant to rules promulgated by the Administrator of the Office of  
2 Personnel Management for the classified service.

3 E. Appointing authorities may implement the pay movement  
4 mechanisms in paragraphs 6 through 12 in subsection B of this  
5 section subject to the availability of funds within the agency's  
6 budget for the current fiscal year and subsequent fiscal year  
7 without the need for additional funding to increase the personal  
8 services budget of the agency. Failure by the appointing authority  
9 to follow the provisions of this subsection may cause the withdrawal  
10 of the use of the pay movement mechanisms provided in paragraphs 6,  
11 7, 9, 10, and 11 of subsection B of this section within the agency  
12 during the next appropriations cycle.

13 F. All agencies, boards, and commissions shall report to the  
14 Office of Personnel Management on ~~an annual~~ a fiscal-year basis the  
15 pay movement mechanisms utilized in paragraphs 6 through 12 in  
16 subsection B of this section. The report shall include the pay  
17 movement mechanisms type, frequency, amounts provided, affected  
18 classifications and job families, and other information as  
19 prescribed by the Administrator of the Office of Personnel  
20 Management. Agencies shall report this information for the twelve-  
21 month period ending ~~December 31~~ June 30 for classified and  
22 unclassified employees. ~~Agencies must also report projected pay~~  
23 ~~movement mechanisms and costs anticipated for the balance of the~~

1 ~~fiscal year.~~ The Office of Personnel Management shall forward the  
2 report, which will include findings and recommendations, to the  
3 Governor, President Pro Tempore of the Senate, and Speaker of the  
4 House of Representatives no later than February 1 of each year.

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

8 Section 840-2.27C A. At least sixty (60) days before the  
9 scheduled beginning of reduction-in-force separations or as  
10 otherwise provided by law, the appointing authority shall post in  
11 each office of executive branch agencies affected by the proposed  
12 reduction-in-force notice that a reduction-in-force will be  
13 conducted in accordance with the Oklahoma Personnel Act and Merit  
14 rules. The reduction-in-force implementation plan shall be provided  
15 to the Director of State Finance and any state employee association  
16 representing state employees at such time. The notice shall not be  
17 posted unless approved by the cabinet secretary for the agency  
18 conducting the reduction-in-force. If there is no incumbent cabinet  
19 secretary for the agency, the cabinet-secretary-notice-approval  
20 requirement shall not be applicable. The approved notice shall be  
21 posted in each office affected by the proposed plan for five (5)  
22 days. The appointing authority shall provide a copy of the notice

1 to the Administrator. A reduction-in-force shall not be used as a  
2 disciplinary action.

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

13 1. Provide for the appointing authority to determine the  
14 specific position or positions to be abolished within specified  
15 units, divisions, facilities, agency-wide or any parts thereof;

16 2. Provide for retention of affected employees based on type of  
17 appointment;

18 3. Require the separation of probationary classified affected  
19 employees in affected job family levels, except those affected  
20 employees on probationary status after reinstatement from permanent  
21 classified status without a break in service, prior to the  
22 separation or displacement of any permanent classified affected  
23 employee in an affected job family level;

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

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

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

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

21       D. The Director of the Office of State Finance shall review the  
22 fiscal components of the reduction-in-force implementation plan and

1 within five (5) business days of receipt reject any plan that does  
2 not:

3 1. Demonstrate that funds are available to cover projected  
4 costs;

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

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

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

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

22 1. The appointing authority may protect from displacement  
23 action up to twenty percent (20%) of projected post-reduction-in-

1 force employees in affected positions within displacement limits;  
2 provided, that any fractional number resulting from the final  
3 mathematical calculation of the number of those positions shall be  
4 rounded to the next higher whole number. The appointing authority  
5 must explain why affected employees are being protected.

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

12 3. An affected permanent classified employee may exercise a  
13 displacement privilege, if one exists, if the affected employee has  
14 received an overall rating of at least ~~"satisfactory"~~ "meets  
15 standards", or its equivalent, on the most recent annual service  
16 rating. If an affected employee has not been rated in accordance  
17 with the time limits established in Section 840-4.17 of this title,  
18 the employee shall be deemed to have received an overall rating of  
19 at least ~~"satisfactory"~~ "meets standards" or its equivalent on the  
20 most recent service rating.

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

1           a.    be required, as a condition of continued employment by  
2                    the agency, to sign an agreement, in a form to be  
3                    prescribed by the Administrator of the Office of  
4                    Personnel Management, acknowledging that the employee  
5                    had an opportunity to receive severance benefits and  
6                    affirmatively elected to exercise a displacement  
7                    privilege and to forego such benefits. An affected  
8                    employee who signs the agreement required by this  
9                    subparagraph waives any privilege which might  
10                  otherwise have been available to the affected employee  
11                  pursuant to the agreement for the provision of  
12                  severance benefits, and

13           b.    not have the right to exercise any subsequent right to  
14                    receive severance benefits from the agency for which  
15                    the affected employee performs services on the date  
16                    that the employee exercises a displacement privilege.  
17                  The provisions of this section shall not prohibit any  
18                  person from exercising a displacement privilege in, or  
19                  accepting severance benefits from, more than one  
20                  agency during employment with the State of Oklahoma or  
21                  from the agency which the affected employee exercised  
22                  a displacement privilege in any future reduction-in-  
23                  force.

1 F. An affected employee who does not agree pursuant to Section  
2 840-2.27E of this title to accept severance benefits and who does  
3 not have a displacement opportunity or does not accept a  
4 displacement opportunity shall be separated by the reduction-in-  
5 force and shall not receive any severance benefits that would have  
6 otherwise been provided pursuant to Section 840-2.27D of this title.

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

21 H. The names of permanent classified affected employees and  
22 those affected employees on probationary status after reinstatement  
23 from permanent classified status without a break in service who have

1 been separated pursuant to the State Government Reduction-in-Force  
2 and Severance Benefits Act, who apply and meet all requirements for  
3 state jobs in the classified service shall be placed on Priority  
4 Reemployment Consideration Rosters in accordance with their  
5 individual final earned ratings for a maximum of eighteen (18)  
6 months after the date of separation. Before any vacant position is  
7 filled by any individual eligible for initial appointment from the  
8 employment register, individuals on the Priority Reemployment  
9 Consideration Rosters shall be given priority consideration for  
10 reemployment by any state agency within eighteen (18) months after  
11 the date of the reduction-in-force. Upon declination of an offer of  
12 reemployment to a job family level having the same or higher pay  
13 band than the job family level from which the employee was removed,  
14 or eighteen (18) months after the date of separation, whichever is  
15 first, this priority consideration for reemployment shall expire.  
16 If an agency has posted a reduction-in-force plan and implementation  
17 schedule, all affected employees in positions covered by the plan  
18 and any within the displacement limits established by the appointing  
19 authority of the agency who have been separated shall be eligible  
20 for priority reemployment consideration.

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

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

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

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

1 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  
4 of work hours or the placement of an employee on involuntary leave  
5 without pay. Rules governing leave, longevity pay and participation  
6 in the State Employees Group Health, Dental, Disability, and Life  
7 Insurance program shall not be affected by mandatory furloughs.  
8 Furlough, as provided for in this section or by rules adopted by the  
9 Administrator of the Office of Personnel Management, shall not be  
10 appealable under the provisions of the Oklahoma Personnel Act.

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

20 L. All agencies directed by the Contingency Review Board to  
21 terminate or furlough employees, shall report the cumulative cost  
22 savings achieved by the reductions-in-force or furloughs to the  
23 Governor, President Pro Tempore of the Senate and Speaker of the

1 House of Representatives on a quarterly basis for one (1) year  
2 following the effective date of the action.

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

14 SECTION 5. AMENDATORY 74 O.S. 2001, Section 840-4.15, as  
15 last amended by Section 96, Chapter 5, O.S.L. 2004 (74 O.S. Supp.  
16 2006, Section 840-4.15), is amended to read as follows:

17 Section 840-4.15 A. The appointing authority shall post  
18 announcements of a vacancy or vacancies in accordance with a  
19 promotional plan filed by the agency with the Office of Personnel  
20 Management. In order to give qualified employees an opportunity to  
21 apply for and be considered for possible promotions, the vacancy  
22 notices shall be posted at least five (5) working days prior to the  
23 closing date for the receipt of applications by the appointing

1 authority. Promotional posting shall be required for initial entry  
2 into a job family at any level. Promotional posting shall also be  
3 required for entry into any supervisory position or level. Each  
4 agency's promotional posting plan shall describe the method by which  
5 all agency employees will be notified of vacancy announcements. The  
6 posting shall include:

7 1. Identification of the job family level of the vacancy or  
8 vacancies;

9 2. A listing of job title, major work duties and minimum  
10 qualifications;

11 3. The pay band and range;

12 4. The anticipated number of vacancies;

13 5. The specific location of work;

14 6. The time limits and procedure for filing an application with  
15 the appointing authority; and

16 7. Any additional factors which the appointing authority will  
17 consider in filling the vacancy.

18 B. The appointing authority may elect to post general  
19 promotional opportunities in accordance with the provisions of this  
20 section in cases where there are usually continuous multiple vacant  
21 positions within a given job family; provided the appointing  
22 authority maintains a promotional applicant list for each job family  
23 which is posted on the basis of general promotional opportunities.

1 In such cases, the posting must include the length of time and  
2 conditions under which the promotional application of the candidate  
3 will remain available for active consideration by the appointing  
4 authority.

5 C. If an employee still feels that the employee has not been  
6 treated fairly with regard to a promotional action pursuant to this  
7 section after such complaint has been reviewed in a formal grievance  
8 procedure conducted in accordance with the provisions of Section  
9 840-6.2 of this title, the employee may seek a remedy through the  
10 procedures established in the Oklahoma Personnel Act. If a  
11 violation of Section 840-2.9 of this title has been committed, the  
12 Oklahoma Merit Protection Commission may declare a position open.

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

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

20 Section 840-5.16 A. There is hereby created the State Work  
21 Incentive Program aimed at employing participants in the Temporary  
22 Assistance for Needy Families Program in Oklahoma and vocational  
23 rehabilitation clients of the State Department of Rehabilitation

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

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

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

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

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

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

22           3. ~~Passes any entrance examination required for the applicable~~  
23 ~~job by the Office of Personnel Management, or a person with severe~~

1 ~~disabilities and is eligible to be hired pursuant to Section 840-~~  
2 ~~4.12 of this title.~~

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

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

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

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

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

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

21 4. Persons employed with one-time, limited duration, federal or  
22 other grant funding that is not continuing or indefinitely  
23 renewable. The length of the unclassified employment shall not

1 exceed the period of time for which that specific federal funding is  
2 provided;

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

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

15 7. Election officials and employees;

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

1 of this title who work less than one thousand six hundred (1,600)  
2 hours in any twelve-month period;

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

- 5 a. administrative aides to the Commissioner,
- 6 b. executive secretaries to the Commissioner,
- 7 c. the Governor's representative of the Oklahoma Highway  
8 Safety Office who shall be appointed by the Governor,
- 9 d. Highway Patrol Colonel,
- 10 e. Highway Patrol Lieutenant Colonel,
- 11 f. Highway Patrol Major,
- 12 g. Director of Finance,
- 13 h. noncommissioned pilots,
- 14 i. Information Systems Administrator,
- 15 j. Law Enforcement Telecommunications System Specialist,
- 16 k. Director of Driver License Administration,
- 17 l. Director of Transportation Division,
- 18 m. Director of the Alcohol and Drug Countermeasures Unit,
- 19 n. Director of the Oklahoma Highway Safety Office,
- 20 o. Civil Rights Administrator,
- 21 p. Budget Analyst,
- 22 q. Comptroller,
- 23 r. Chaplain,

1           s.    Helicopter Mechanic,  
2           t.    Director of Safety Compliance,  
3           u.    Human Resources Director,  
4           v.    Administrator of Department Services, and  
5           w.    a maximum of seven (7) positions for the purpose of  
6                administering programs in the Oklahoma Highway Safety  
7                Office, within full-time employee limitations of the  
8                Department, employed with federal funding that is  
9                continuing or indefinitely renewable.  The  
10              authorization for such positions shall be terminated  
11              if the federal funding for positions is discontinued;  
12  provided, any person appointed to a position prescribed in  
13  subparagraph d, e, f or o of this paragraph shall have a right of  
14  return to the classified commissioned position without any loss of  
15  rights, privileges or benefits immediately upon completion of the  
16  duties in the unclassified commissioned position, and any person  
17  appointed to a position prescribed in subparagraph i, j, k, l, m or  
18  n of this paragraph shall have a right of return to the previously  
19  held vacant classified position within the Department of Public  
20  Safety without any loss of rights, privileges or benefits  
21  immediately upon completion of the duties in the unclassified  
22  commissioned position;

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

3        11. Students who are employed on a part-time basis, which shall  
4 be seventy-five percent (75%) of a normal forty-hour work week or  
5 thirty (30) hours per week, or less, or on a full-time basis if the  
6 employment is pursuant to a cooperative education program such as  
7 that provided for under Title I IV-D of the Higher Education Act of  
8 1965, (20 U.S.C., Sections 1087a-1087c), as amended, and who are  
9 regularly enrolled in:

10            a. an institution of higher learning within The Oklahoma  
11 State System of Higher Education,

12            b. an institution of higher learning qualified to become  
13 coordinated with The Oklahoma State System of Higher  
14 Education. For purposes of this section, a student  
15 shall be considered a regularly enrolled student if  
16 the student is enrolled in a minimum of five (5) hours  
17 of accredited graduate courses or a minimum of ten  
18 (10) hours of accredited undergraduate courses,  
19 provided, however, the student shall only be required  
20 to be enrolled in a minimum of six (6) hours of  
21 accredited undergraduate courses during the summer, or

1           c.    high school students regularly enrolled in a high  
2                    school in Oklahoma and regularly attending classes  
3                    during such time of enrollment;

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

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

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

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

18           a.  Administrative aides, and executive secretaries to the  
19                    Commissioners,

20           b.  Directors of all the divisions, personnel managers and  
21                    comptrollers,

22           c.  General Counsel,

23           d.  Public Utility Division Chief Engineer,

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

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

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

- 20 a. Director of Facility,
- 21 b. Deputy Director for Administration,
- 22 c. Clinical Services Director,
- 23 d. Executive Secretary to Director, and

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

- 1 (10) Quality Assurance Manager,
- 2 (11) ISD Analysts,
- 3 (12) CORE Manager,
- 4 (13) Enterprise System/Database Software Manager,
- 5 (14) Data Center Operations and Production Manager,
- 6 (15) Voice Communications Manager,
- 7 (16) Applications Development Manager,
- 8 (17) Projects Manager,
- 9 (18) PC's Manager,
- 10 (19) Servers Manager,
- 11 (20) Portal Manager, and
- 12 (21) Procurement Specialist;

13 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

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

- 20 a. positions for which the annual salary is Twenty-four  
21 Thousand One Hundred Ninety-three Dollars (\$24,193.00)  
22 or more, as determined by the Office of Personnel  
23 Management, provided no position shall become

1 unclassified because of any change in salary or grade  
2 while it is occupied by a classified employee,  
3 b. positions requiring certification by the State  
4 Department of Education, and  
5 c. positions and employees authorized to be in the  
6 unclassified service of the state elsewhere in this  
7 section or in subsection B of this section;

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

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

16 24. Department of Labor personnel occupying the following  
17 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,
- 23 f. three Safety and Health Directors,

- 1           g.    Research Director,
- 2           h.    Employment Standards Director,
- 3           i.    Asbestos Director, and
- 4           j.    General Counsel;
- 5        25.   The State Bond Advisor and his or her employees;
- 6        26.   The Oklahoma Employment Security Commission employees
- 7 occupying the following positions:
- 8           a.    Associate Director,
- 9           b.    Secretary to the Associate Director, and
- 10          c.    Assistant to the Executive Director;
- 11        27.   Oklahoma Human Rights Commission personnel occupying the
- 12 position of Administrative Assistant;
- 13        28.   Officers and employees of the State Banking Department;
- 14        29.   Officers and employees of the University Hospitals
- 15 Authority except personnel in the state classified service pursuant
- 16 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
- 17 the University Hospitals Authority Model Personnel System created
- 18 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
- 19 Statutes or as otherwise provided for in Section 3213.2 of Title 63
- 20 of the Oklahoma Statutes;
- 21        30.   Alcoholic Beverage Laws Enforcement Commission employees
- 22 occupying the following positions:

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

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

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

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

- 21           a.    Director of the Oklahoma Aeronautics Commission,  
22           b.    five Department of Transportation Assistant Director  
23                    positions,

1 c. eight field division engineer positions, and

2 d. one pilot position;

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

5 a. Director of the Investments Division,

6 b. Assistant Director of the Investments Division,

7 c. one Administrative Assistant,

8 d. one Audit Tech position,

9 e. one Auditor I position,

10 f. two Accounting Tech I positions,

11 g. two Administrative Assistant I positions,

12 h. two Imaging Specialist positions, and

13 i. one Information Systems Specialist position;

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

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

22 b. one executive secretary in addition to the one  
23 authorized pursuant to paragraph 2 of this subsection,

- 1           c.    one fiscal officer,
- 2           d.    one full-time Programmer, and
- 3           e.    one full-time Network Engineer;

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

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

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

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

- 1           a.    one Executive Secretary in addition to the Executive  
2                    Secretary authorized by paragraph 2 of this  
3                    subsection,  
4           b.    the Director of Central Purchasing,  
5           c.    one Alternate Fuels Administrator,  
6           d.    one Director of Special Projects,  
7           e.    three postauditors,  
8           f.    four high-technology contracting officers,  
9           g.    one Executive Assistant to the Purchasing Director,  
10          h.    four Contracts Managers,  
11          i.    one Associate Director,  
12          j.    one specialized HiTech/Food Contracting Officer,  
13          k.    one State Use Contracting Officer,  
14          l.    one Property Distribution Administrator,  
15          m.    three licensed architects assigned to the Facilities  
16                   and Properties Division,  
17          n.    three licensed engineers assigned to the Facilities  
18                   and Properties Division,  
19          o.    four construction consultants assigned to the  
20                   Facilities and Properties Division,  
21          p.    one attorney assigned to the Facilities and Properties  
22                   Division,

1           q.    three positions assigned to the Information Services  
2                    Division, which shall include one Information  
3                    Technology Manager, one Applications Specialist and  
4                    one Data Planning Specialist, and

5           r.    four positions assigned to Fleet Management, which  
6                    shall include one Deputy Fleet Manager and three  
7                    Management Analysts;

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

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

- 13           a.    Physical Therapists,
- 14           b.    Physical Therapist Assistants,
- 15           c.    Occupational Therapists,
- 16           d.    Certified Occupational Therapist Aides, and
- 17           e.    Speech Pathologists;

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

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

- 1           a.    one Executive Secretary in addition to the Executive  
2                    Secretary authorized by paragraph 2 of this subsection  
3                    and one Executive Assistant,  
4           b.    nineteen Agricultural Marketing Coordinator III  
5                    positions,  
6           c.    temporary fire suppression personnel, regardless of  
7                    the number of hours worked, who are employed by the  
8                    Oklahoma Department of Agriculture, Food, and  
9                    Forestry; provided, however, notwithstanding the  
10                  provisions of any other section of law, the hours  
11                  worked by such employees shall not entitle such  
12                  employees to any benefits received by full-time  
13                  employees,  
14           d.    one Administrator for Human Resources,  
15           e.    one Director of Administrative Services,  
16           f.    one Water Quality Consumer Complaint Coordinator,  
17           g.    one hydrologist position,  
18           h.    Public Information Office Director,  
19           i.    Market Development Services Director,  
20           j.    Legal Services Director,  
21           k.    Animal Industry Services Director,  
22           l.    Agricultural Environmental Management Services  
23                  Director,

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

1           z.    two Plant Protection Specialists;

2           42.   The Contracts Administrator within the Oklahoma State

3 Employees Benefits Council;

4           43.   The Development Officer within the Oklahoma Department of

5 Libraries;

6           44.   Oklahoma Real Estate Commission personnel occupying the

7 following offices and positions:

8           a.    Educational Program Director, and

9           b.    Data Processing Manager;

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

11 Consumer Credit;

12          46.   All officers and employees of the Oklahoma Capitol Complex

13 and Centennial Commemoration Commission;

14          47.   All officers and employees of the Oklahoma Motor Vehicle

15 Commission;

16          48.   One Museum Archivist of The Will Rogers Memorial

17 Commission;

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

19 Fire Marshal;

20          50.   Acting incumbents employed pursuant to Section 209 of Title

21 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not

22 be included in any limitation on full-time equivalency imposed by

23 law on an agency. Permanent classified employees may request a

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

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

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

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

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

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

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

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

22           C. Effective July 1, 1996, authorization for unclassified  
23 offices, positions, or personnel contained in a bill or joint

1 resolution shall terminate June 30 of the ensuing fiscal year after  
2 the authorization unless the authorization is codified in the  
3 Oklahoma Statutes or the termination is otherwise provided in the  
4 legislation.

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

1 employees, including retirement and insurance programs. Immediately  
2 upon termination of an unclassified appointment pursuant to this  
3 subsection, an employee on assignment from the classified service  
4 shall have a right to be restored to the classified service and  
5 reinstated to the former job family level and compensation plus any  
6 adjustments and increases in salary or benefits which the employee  
7 would have received but for the leave of absence.

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

11 Section 4121. A. In order to establish a public employee  
12 benefit program to encourage outstanding performance in the  
13 workplace, the Administrator of the Office of Personnel Management  
14 is hereby directed to establish an on-the-job employee performance  
15 recognition program which encourages outstanding job performance and  
16 productivity.

17 B. In order to promote excellence in job performance and  
18 provide recognition for work units with exceptional performance,  
19 state agencies are authorized to expend from monies available in the  
20 agency's operating funds so much thereof as may be necessary for the  
21 purchase of recognition awards for presentation to the members of  
22 work units or individual employees with exceptional job performance  
23 records or for other significant contributions to the operation of

1 the agency. State agencies may also provide for such recognition  
2 awards to be cash awards.

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

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

14 2. In addition to recognition awards listed in paragraph 1 of  
15 this subsection, the agency may establish an employee ~~performance~~  
16 ~~and conduct~~ cash recognition program not to exceed ~~Two Hundred Fifty~~  
17 ~~Dollars (\$250.00)~~ Five Hundred Dollars (\$500.00) per recognized  
18 employee each fiscal year ~~for cash awards to recognize outstanding~~  
19 ~~performance in the workplace by the employees of the agency.~~

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

21 SECTION 10. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.  
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-21-07 - DO  
4 PASS, As Amended and Coauthored.