

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1553

By: Gumm

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5
6 AS INTRODUCED

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

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

17 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-1.6A, as
18 last amended by Section 1, Chapter 312, O.S.L. 2004 (74 O.S. Supp.
19 2007, Section 840-1.6A), is amended to read as follows:

20 Section 840-1.6A There is hereby created the Office of
21 Personnel Management. The chief administrative officer of said
22 Office of Personnel Management shall be the Administrator who shall
23 be experienced in the field, theory, and application of personnel
24 administration. The Administrator shall be appointed by the
Governor with the confirmation of the Senate, and serve at the

1 Governor's pleasure. In addition to the other duties imposed by
2 law, the Administrator shall:

3 1. Be responsible for the development of an efficient and
4 effective system of personnel administration that meets the
5 management needs of the various agencies;

6 2. Effective July 1, 1995, organize the Office to provide both
7 service and regulatory functions that are effective and efficient in
8 meeting the management needs of various state agencies. The
9 Administrator is directed to establish an agency service function to
10 assist agencies with human resource needs based upon the
11 administrative capacity and resources of the various agencies;

12 3. Prepare, maintain, and revise a classified system of
13 employment designed to assure the impartial consideration of
14 applicants for employment and to protect state employees from
15 arbitrary dismissal or unfair treatment;

16 4. Develop and maintain a classification and compensation
17 system for all classified positions in the executive branch of state
18 government including those established by the Oklahoma Constitution;

19 5. Require that all agencies of the executive branch shall
20 submit job descriptions for unclassified positions to the Office of
21 Personnel Management. The job descriptions shall be based on a
22 standardized format as prescribed by the Office of Personnel
23 Management. The Office of Personnel Management shall promulgate and

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1 implement rules necessary to perform the duties imposed by this
2 paragraph.

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

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

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

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

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

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

19 ~~10.~~ 11. Develop, in cooperation with appointing authorities,
20 employee training programs, management training programs, a
21 certified public manager program, a recruiting program, and a system
22 of performance appraisals, and assist appointing authorities in the
23 setting of productivity goals. The Administrator may establish and
24 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;

23 ~~16.~~ 17. Be responsible for the development and maintenance of a
24 uniform occupation code system, grouped by job titles or duties, for

1 all classified and unclassified state positions. Said
2 responsibility shall include the establishment of rules governing
3 the identification, tracking, and reporting of all state positions
4 as provided in Section 840-2.13 of this title;

5 ~~17.~~ 18. Be responsible for advising state agencies on personnel
6 policy and administration;

7 ~~18.~~ 19. Establish standards for continuing training, including
8 affirmative action, and certification of personnel professionals in
9 the executive branch of state government, excluding institutions
10 within The Oklahoma State System of Higher Education. Employees
11 appointed to professional personnel positions shall complete an
12 initial training program within six (6) months after assuming the
13 professional personnel position. Thereafter, they shall complete
14 annual training requirements. Each appointing authority shall
15 ensure that all professional personnel employees are notified of,
16 and scheduled to attend, required training programs and shall make
17 time available for employees to complete the programs. The
18 Administrator shall be authorized to bill agencies for the training
19 of personnel professionals pursuant to this paragraph to recover
20 reasonable costs associated with the training. Monies received for
21 such training shall be deposited in the Office of Personnel
22 Management Revolving Fund. Expenditure of such funds collected for
23 the training shall be exempt from any expenditure limit on the
24 Office of Personnel Management established by law;

1 ~~19.~~ 20. Conduct a study identifying the following, by job
2 family descriptor(s):

3 a. selected job family levels with a turnover rate in
4 excess of ten percent (10%),

5 b. selected job family levels identified by the
6 Administrator of the Office of Personnel Management
7 with salaries and benefits that are ten percent (10%)
8 or more below the market for such position(s), and

9 c. selected job family levels identified by the
10 Administrator of the Office of Personnel Management in
11 which recruitment efforts have yielded a low number of
12 qualified applicants.

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

15 ~~20.~~ 21. Issue orders directing agencies to:

16 a. conform and comply with the provisions of the Oklahoma
17 Personnel Act, the Merit Rules of Personnel
18 Administration, and all memoranda or other written
19 communications issued to agencies explaining the
20 Oklahoma Personnel Act, the Rules, and any other
21 matter relating to the Merit System of Personnel
22 Administration or under the jurisdiction of the
23 Administrator of the Office of Personnel Management,
24 and

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

3 ~~21.~~ 22. Establish a workforce planning function within the
4 Office of Personnel Management to assist state agencies in analyzing
5 the current workforce, determining future workforce needs, and
6 implementing solutions so that agencies may accomplish their
7 missions; and

8 ~~22.~~ 23. Establish a quality management function within the
9 Office of Personnel Management to assist state agencies in fully
10 integrating quality management concepts and models into their
11 business practices for the purpose of improving the overall
12 efficiency and effectiveness of state government.

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

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