

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1597

By: Leftwich of the Senate

4 and

5 McPeak of the House

6
7
8 AS INTRODUCED

9 An Act relating to state government; amending 40 O.S.
10 2001, Sections 840-2.27C, as last amended by Section
11 3, Chapter 342, O.S.L. 2007 and 840-5.5, as last
12 amended by Section 3, Chapter 208, O.S.L. 2007 (74
13 O.S. Supp. 2007, Sections 840-2.27C and 840-5.5),
14 which relate to the reduction-in-force plan and the
15 unclassified service; stating when a certain
16 requirement shall not be applicable; changing the
17 classified status of certain positions within the
18 Department of Labor; and providing an effective date.

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

20 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.27C,
21 as last amended by Section 3, Chapter 342, O.S.L. 2007 (74 O.S.
22 Supp. 2007, Section 840-2.27C), is amended to read as follows:

23 Section 840-2.27C A. At least sixty (60) days before the
24 scheduled beginning of reduction-in-force separations or as
otherwise provided by law, the appointing authority shall post in
each office of executive branch agencies affected by the proposed
reduction-in-force notice that a reduction-in-force will be

1 conducted in accordance with the Oklahoma Personnel Act and Merit
2 rules. The reduction-in-force implementation plan shall be provided
3 to the Director of State Finance and any state employee association
4 representing state employees at such time. The notice shall not be
5 posted unless approved by the cabinet secretary for the agency
6 conducting the reduction-in-force. If there is no incumbent cabinet
7 secretary for the agency, the cabinet-secretary-notice-approval
8 requirement shall not be applicable. If the appointing authority is
9 governed by an elected official, the cabinet-secretary-notice-
10 approval requirement shall not be applicable. The approved notice
11 shall be posted in each office affected by the proposed plan for
12 five (5) days. The appointing authority shall provide a copy of the
13 notice to the Administrator. A reduction-in-force shall not be used
14 as a disciplinary action.

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

- 1 1. Provide for the appointing authority to determine the
2 specific position or positions to be abolished within specified
3 units, divisions, facilities, agency-wide or any parts thereof;
- 4 2. Provide for retention of affected employees based on type of
5 appointment;
- 6 3. Require the separation of probationary classified affected
7 employees in affected job family levels, except those affected
8 employees on probationary status after reinstatement from permanent
9 classified status without a break in service, prior to the
10 separation or displacement of any permanent classified affected
11 employee in an affected job family level;
- 12 4. Provide for retention of permanent classified affected
13 employees in affected job family levels and those affected employees
14 on probationary status after reinstatement from permanent classified
15 status without a break in service based upon consideration of years
16 of service;
- 17 5. Provide for exercise of displacement opportunities by
18 permanent classified affected employees and those affected employees
19 on probationary status after reinstatement from permanent classified
20 status without a break in service if any displacement opportunities
21 exist; and
- 22 6. Provide outplacement assistance and employment counseling
23 from the Oklahoma Employment Security Commission and any other
24 outplacement assistance and employment counseling made available by

1 the agency to affected employees regarding the options available
2 pursuant to the State Government Reduction-in-Force and Severance
3 Benefits Act prior to the date that a reduction-in-force is
4 implemented.

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

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

12 1. Demonstrate that funds are available to cover projected
13 costs;

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

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

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

24

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

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

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

21 3. An affected permanent classified employee may exercise a
22 displacement privilege, if one exists, if the affected employee has
23 received an overall rating of at least "meets standards", or its
24 equivalent, on the most recent annual service rating. If an

1 affected employee has not been rated in accordance with the time
2 limits established in Section 840-4.17 of this title, the employee
3 shall be deemed to have received an overall rating of at least
4 "meets standards" or its equivalent on the most recent service
5 rating.

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

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

20 b. not have the right to exercise any subsequent right to
21 receive severance benefits from the agency for which
22 the affected employee performs services on the date
23 that the employee exercises a displacement privilege.
24 The provisions of this section shall not prohibit any

1 person from exercising a displacement privilege in, or
2 accepting severance benefits from, more than one
3 agency during employment with the State of Oklahoma or
4 from the agency which the affected employee exercised
5 a displacement privilege in any future reduction-in-
6 force.

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

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

1 removal from the job family level, whichever is first, this right to
2 be recalled shall expire.

3 H. The names of permanent classified affected employees and
4 those affected employees on probationary status after reinstatement
5 from permanent classified status without a break in service who have
6 been separated pursuant to the State Government Reduction-in-Force
7 and Severance Benefits Act, who apply and meet all requirements for
8 state jobs in the classified service shall be placed on Priority
9 Reemployment Consideration Rosters in accordance with their
10 individual final earned ratings for a maximum of eighteen (18)
11 months after the date of separation. Before any vacant position is
12 filled by any individual eligible for initial appointment from the
13 employment register, individuals on the Priority Reemployment
14 Consideration Rosters shall be given priority consideration for
15 reemployment by any state agency within eighteen (18) months after
16 the date of the reduction-in-force. Upon declination of an offer of
17 reemployment to a job family level having the same or higher pay
18 band than the job family level from which the employee was removed,
19 or eighteen (18) months after the date of separation, whichever is
20 first, this priority consideration for reemployment shall expire.
21 If an agency has posted a reduction-in-force plan and implementation
22 schedule, all affected employees in positions covered by the plan
23 and any within the displacement limits established by the appointing
24

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

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

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

22 K. 1. When the Legislature is not in session, the Contingency
23 Review Board may, upon the request of the Governor, direct and
24 require mandatory furloughs for all state employees whenever it is

1 deemed necessary and proper. The Contingency Review Board shall
2 specify the effective dates for furloughs and shall note any
3 exceptions to state employees affected by same. All classified,
4 unclassified, exempt or nonmerit employees, including those
5 employees of agencies or offices established by statute or the
6 Constitution, shall be affected by such actions.

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

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

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

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

18 SECTION 2. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
19 last amended by Section 3, Chapter 208, O.S.L. 2007 (59 O.S. Supp.
20 2007, Section 840-5.5), is amended to read as follows:

21 Section 840-5.5 A. The following offices, positions, and
22 personnel shall be in the unclassified service and shall not be
23 placed under the classified service:
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1 1. Persons chosen by popular vote or appointment to fill an
2 elective office, and their employees, except the employees of the
3 Corporation Commission, the State Department of Education and the
4 Department of Labor;

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

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

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

14 5. All officers and employees of The Oklahoma State System of
15 Higher Education, State Board of Education and Oklahoma Department
16 of Career and Technology Education;

17 6. Persons employed in a professional or scientific capacity to
18 make or conduct a temporary and special inquiry, investigation, or
19 examination on behalf of the Legislature or a committee thereof or
20 by authority of the Governor. These appointments and authorizations
21 shall terminate on the first day of the regular legislative session
22 immediately following the appointment, if not terminated earlier.
23 However, nothing in this paragraph shall prevent the reauthorization
24

1 and reappointment of any such person. Any such appointment shall be
2 funded from the budget of the appointing authority;

3 7. Election officials and employees;

4 8. Temporary employees employed to work less than one thousand
5 (1,000) hours in any twelve-month period, and seasonal employees
6 employed by the Oklahoma Tourism and Recreation Department pursuant
7 to Section 2241 of this title who work less than one thousand six
8 hundred (1,600) hours in any twelve-month period;

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

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

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

1 Safety without any loss of rights, privileges or benefits
2 immediately upon completion of the duties in the unclassified
3 commissioned position;

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

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

13 a. an institution of higher learning within The Oklahoma
14 State System of Higher Education,

15 b. an institution of higher learning qualified to become
16 coordinated with The Oklahoma State System of Higher
17 Education. For purposes of this section, a student
18 shall be considered a regularly enrolled student if
19 the student is enrolled in a minimum of five (5) hours
20 of accredited graduate courses or a minimum of ten
21 (10) hours of accredited undergraduate courses,
22 provided, however, the student shall only be required
23 to be enrolled in a minimum of six (6) hours of
24 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,
- 24 e. Public Utility Division Chief Accountant,

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

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

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

- 23 a. Director of Facility,
- 24 b. Deputy Director for Administration,

- c. Clinical Services Director,
- d. Executive Secretary to Director, and
- e. Directors or Heads of Departments or Services;

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

- a. State Comptroller,
 - b. Administrative Officers,
 - c. Alternator Claims Auditor,
 - d. Employees hired to fulfill state compliance agency requirements under Model Tribal Gaming Compacts,
 - e. Employees of the Budget Division,
 - f. Employees of the Fiscal and Research Division,
 - g. Employees hired to work on the CORE Systems Project;
- and
- h. The following employees of the Information Services

Division:

- (1) Information Services Division Manager,
- (2) Network Manager,
- (3) Network Technician,
- (4) Security Manager,
- (5) Contracts/Purchasing Manager,
- (6) Operating and Applications Manager,
- (7) Project Manager,
- (8) Help Desk Manager,

- 1 (9) Help Desk Technician,
2 (10) Quality Assurance Manager,
3 (11) ISD Analysts,
4 (12) CORE Manager,
5 (13) Enterprise System/Database Software Manager,
6 (14) Data Center Operations and Production Manager,
7 (15) Voice Communications Manager,
8 (16) Applications Development Manager,
9 (17) Projects Manager,
10 (18) PC's Manager,
11 (19) Servers Manager,
12 (20) Portal Manager,
13 (21) Procurement Specialists,
14 (22) Security Technicians,
15 (23) Enterprise Communications and Network
16 Administrator,
17 (24) Server Support Specialists,
18 (25) Senior Server Support Specialists,
19 (26) Systems Support Specialists, and
20 (27) Senior Systems Support Specialists;
21 19. Employees of the Oklahoma Industrial Finance Authority;
22 20. Those positions so specified in the annual business plan of
23 the Oklahoma Department of Commerce;

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

3 22. The following positions and employees of the Oklahoma
4 School of Science and Mathematics:

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

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

- 18 a. the Carl Albert Internship Program Coordinator,
 - 19 b. one Administrative Assistant,
 - 20 c. one Workforce Planning Manager,
 - 21 d. Assistant Administrators,
 - 22 e. one Associate Administrator, and
 - 23 f. Division Directors;
- 24

- 1 24. Department of Labor personnel occupying the following
2 offices and positions:
- 3 a. two Deputy Commissioners,
 - 4 b. two Executive Secretaries to the Commissioner,
 - 5 c. Chief of Staff,
 - 6 d. two Administrative Assistants,
 - 7 e. Information Systems Administrator,
 - 8 f. three Safety and Health Directors,
 - 9 g. Research Director,
 - 10 h. Employment Standards Director,
 - 11 i. Asbestos Director,
 - 12 j. General Counsel,
 - 13 k. one Legal Secretary,
 - 14 l. one Docket Clerk, ~~and~~
 - 15 m. two Information Systems Application Specialists,
 - 16 n. twenty-one Labor Compliance Officers,
 - 17 o. eight Asbestos Inspectors,
 - 18 p. five Public Employee Occupational Safety and Health
19 Consultants.
 - 20 q. nine Secretaries,
 - 21 r. four Administrative Technicians,
 - 22 s. two Administrative Programs Officers,
 - 23 t. one Public Information Officer,
 - 24 u. one Public Information Officer Manager,

- v. two Accountants,
- w. one Accounting Tech,
- x. one Certified Procurement Officer,
- y. one Finance Manager,
- z. one Human Resources Programs Manager,
- aa. one Information Systems Operator,
- bb. one Statistical Analyst,
- cc. one Statistical Research Specialist, and
- dd. one Statistics Manager;

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

26. The Oklahoma Employment Security Commission employees

occupying the following positions:

- a. Associate Director,
- b. Secretary to the Associate Director, and
- c. Assistant to the Executive Director;

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

28. Officers and employees of the State Banking Department;

29. Officers and employees of the University Hospitals

Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma

1 Statutes or as otherwise provided for in Section 3213.2 of Title 63
2 of the Oklahoma Statutes;

3 30. Alcoholic Beverage Laws Enforcement Commission employees
4 occupying the following positions:

5 a. three Administrative Service Assistant positions,
6 however, employees in such positions who are in the
7 unclassified service on June 4, 2003, may make an
8 election to be in the classified service without a
9 loss in salary by September 1, 2003, and

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

12 31. The Oklahoma State Bureau of Investigation employees
13 occupying the following positions:

14 a. five assistant directors,

15 b. six special investigators,

16 c. one information representative,

17 d. one federally funded physical evidence technician,

18 e. four federally funded laboratory analysts,

19 f. a maximum of fourteen positions employed for the

20 purpose of managing the automated information systems
21 of the agency,

22 g. one executive secretary in addition to the one

23 authorized pursuant to paragraph 2 of this subsection,

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

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

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

3 a. Director of the Oklahoma Aeronautics Commission,

4 b. five Department of Transportation Assistant Director
5 positions,

6 c. eight field division engineer positions,

7 d. one pilot position,

8 e. five Project Manager Positions, and

9 f. five Transportation Coordinators;

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

12 a. Director of the Investments Division,

13 b. Assistant Director of the Investments Division,

14 c. one Administrative Assistant,

15 d. one Audit Tech position,

16 e. one Auditor I position,

17 f. two Accounting Tech I positions,

18 g. two Administrative Assistant I positions,

19 h. two Imaging Specialist positions, and

20 i. one Information Systems Specialist position;

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

23 a. six Narcotics Agent positions and three Typist

24 Clerk/Spanish transcriptionists, including a Typist

1 Clerk Supervisor/Spanish transcriptionist, provided,
2 authorization for such positions shall be terminated
3 if the federal funding for the positions is
4 discontinued,

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

7 c. one fiscal officer,

8 d. one full-time Programmer, and

9 e. one full-time Network Engineer;

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

16 36. Within the Oklahoma Commission on Children and Youth the
17 following unclassified positions:

18 a. one Oversight Specialist and one Community Development
19 Planner,

20 b. one State Plan Grant Coordinator, provided
21 authorization for the position shall be terminated
22 when federal support for the position by the United
23 States Department of Education Early Intervention
24 Program is discontinued, and

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

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

5 a. one Executive Secretary in addition to the Executive
6 Secretary authorized by paragraph 2 of this
7 subsection,

8 b. the Director of Central Purchasing,

9 c. one Alternate Fuels Administrator,

10 d. one Director of Special Projects,

11 e. three postauditors,

12 f. four high-technology contracting officers,

13 g. one Executive Assistant to the Purchasing Director,

14 h. four Contracts Managers,

15 i. one Associate Director,

16 j. one specialized HiTech/Food Contracting Officer,

17 k. one State Use Contracting Officer,

18 l. one Property Distribution Administrator,

19 m. three licensed architects assigned to the Facilities
20 and Properties Division,

21 n. three licensed engineers assigned to the Facilities
22 and Properties Division,

23 o. four construction consultants assigned to the
24 Facilities and Properties Division,

1 p. one attorney assigned to the Facilities and Properties
2 Division,

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

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

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

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

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

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

22 41. Oklahoma Department of Agriculture, Food, and Forestry
23 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,
- 24 m. Forestry Services Director,

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

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- 1 42. The Contracts Administrator within the Oklahoma State
2 Employees Benefits Council;
- 3 43. The Development Officer within the Oklahoma Department of
4 Libraries;
- 5 44. Oklahoma Real Estate Commission personnel occupying the
6 following offices and positions:
- 7 a. Educational Program Director, and
8 b. Data Processing Manager;
- 9 45. A Chief Consumer Credit Examiner for the Department of
10 Consumer Credit;
- 11 46. All officers and employees of the Oklahoma Capitol Complex
12 and Centennial Commemoration Commission;
- 13 47. All officers and employees of the Oklahoma Motor Vehicle
14 Commission;
- 15 48. One Museum Archivist of The Will Rogers Memorial
16 Commission;
- 17 49. One Fire Protection Engineer of the Office of the State
18 Fire Marshal;
- 19 50. Acting incumbents employed pursuant to Section 209 of Title
20 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
21 be included in any limitation on full-time equivalency imposed by
22 law on an agency. Permanent classified employees may request a
23 leave of absence from classified status and accept an unclassified
24 appointment and compensation as an acting incumbent with the same

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

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

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

24 a. one surveillance supervisor,

- b. one surveillance project monitor,
- c. two bilingual interviewers,
- d. eight senior interviewers, and
- e. six interviewers;

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

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

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

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

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

1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and nurses;
2. Certified public accountants;
3. Licensed attorneys;
4. Licensed veterinarians; and
5. Licensed pharmacists.

C. Effective July 1, 1996, authorization for unclassified 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
24 employees, including retirement and insurance programs. Immediately

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

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

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