

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1657

By: Sweeden

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5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 840-2.17, as last amended by Section 2,
9 Chapter 342, O.S.L. 2007 (74 O.S. Supp. 2007, Section
10 840-2.17), which relates to raises and salary
11 adjustments; deleting requirement for state agencies
12 to submit certain annual report to the Office of
13 Personnel Management; and providing an effective
14 date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.17, as
16 last amended by Section 2, Chapter 342, O.S.L. 2007 (74 O.S. Supp.
17 2007, Section 840-2.17), is amended to read as follows:

18 Section 840-2.17 A. Unless otherwise provided by the Oklahoma
19 Constitution, language in law which authorizes the setting or fixing
20 of compensation, pay or salary of state officers and employees shall
21 not be construed to authorize any agency, board, commission,
22 department, institution, bureau, executive officer or other entity
23 of the executive branch of state government to award, grant, give,
24 authorize, or promise any officer or employee of the State of

1 Oklahoma a raise, including, but not limited to, a cost-of-living
2 raise or any other type of raise that would be given to state
3 employees on an across-the-board basis, except as herein provided.
4 Such raises are prohibited unless authorized by the Legislature and
5 by Merit System of Personnel Administration Rules promulgated by the
6 Administrator. This prohibition applies to all classified and
7 unclassified officers and employees in the executive branch of state
8 government, excluding institutions under the administrative
9 authority of the Oklahoma State Regents for Higher Education.

10 B. However, nothing in this section shall be construed to
11 prohibit the following actions if the action is made in good faith
12 and not for the purpose of circumventing subsection A of this
13 section, and if the appointing authority certifies that the action
14 can be implemented for the current fiscal year and the subsequent
15 fiscal year without the need for additional funding to increase the
16 personal services budget of the agency:

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

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

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

24

- 1 4. Payment of overtime, special entrance rates, pay
2 differentials;
- 3 5. Payment of wages, salaries, or rates of pay established and
4 mandated by law;
- 5 6. Market adjustments for job family levels tied to market
6 competitiveness;
- 7 7. Intra-agency lateral transfers, provided that the adjustment
8 does not exceed five percent (5%) and the adjustment is based on the
9 needs of the agency;
- 10 8. Skill-based adjustments. Such adjustments, which are
11 implemented before November 1, 2006, other than lump-sum payments,
12 shall become permanent after twenty-four (24) months from the date
13 such salary adjustment is implemented and may not later be removed
14 from an employee's base salary if a furlough or reduction-in-force
15 is implemented by the appointing authority granting such salary
16 adjustment. Skill-based pay adjustments, which are implemented on
17 or after November 1, 2006, and which are paid to an employee, shall
18 be paid as long as the employee remains employed in the position and
19 performs the skills for which the differential is due, but shall not
20 be included as a part of the employee's base salary;
- 21 9. Equity-based adjustments;
- 22 10. Performance-based adjustments for employees who received at
23 least a "meets standards" rating on their most current performance
24 rating;

1 11. Career progression increases as an employee advances
2 through job family levels; or

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

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

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

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

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

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

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

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