

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1791

By: Nichols

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5  
6 AS INTRODUCED

7 An Act relating to compensation; providing for pay  
8 increase for certain employees; defining term;  
9 prescribing conditions for pay increase; providing  
10 increase applicable to certain persons; providing for  
11 method to implement pay increase for persons on leave  
12 without pay status; providing method to implement pay  
13 increase for certain employees based upon  
14 interruption in service; excluding certain officers  
15 and employees from eligibility for pay increase;  
16 prohibiting expenditure of certain funds for purposes  
17 related to personnel service contracts; providing  
18 exception; providing for noncodification; providing  
19 an effective date; and declaring an emergency.

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

26 SECTION 1. NEW LAW A new section of law not to be  
27 codified in the Oklahoma Statutes reads as follows:

28 A. Effective July 1, 2008, all full-time and part-time officers  
29 and employees, including temporary and other limited-term employees,  
30 of the state who were employed by the state on the last working day  
31 of June 2008 and who received a rating of "meets standards" or  
32 higher on their most current performance rating, shall be awarded an  
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1 annualized salary increase equal to Two Thousand Seven Hundred  
2 Dollars (\$2,700.00).

3 B. As used in this section, "temporary and other limited-term  
4 employees" are those persons who:

- 5 1. Are not full-time or permanent employees;
- 6 2. Are not otherwise excluded by this section; and
- 7 3. Are compensated by an agency, board, commission or  
8 department or other employing entity for a limited duration and  
9 without any subjective expectation by either the employer or the  
10 employee that the employment will become permanent.

11 C. Except for those personnel specifically excluded from  
12 eligibility for any increase or advancement in salary pursuant to  
13 this section, the salary increase provided by this section shall be  
14 applicable to:

- 15 1. Employees of county health departments;
- 16 2. Employees of a conservation district; and
- 17 3. Employees of the George Nigh Rehabilitation Institute.

18 D. Part-time employees shall receive a prorated annualized  
19 salary increase pursuant to this section.

20 E. Employees eligible for the increase provided for in  
21 subsection A of this section who are on leave without pay on July 1,  
22 2008, shall receive an annualized increase, effective upon their  
23 return to work, but shall not receive any increase for a period of  
24 time prior to their return to work.

1 F. Employees who leave the state service before July 1, 2008,  
2 and who are reinstated or reemployed in the state service during  
3 July 2008, without a break in service, who are otherwise eligible  
4 for the pay increase provided for in this section shall be granted  
5 such raise effective immediately upon such reinstatement or  
6 reemployment. As used in this subsection, "break in service" is  
7 defined as a period of time in excess of thirty (30) calendar days  
8 between two periods of state employment.

9 G. The following officers and employees shall be ineligible for  
10 a pay increase pursuant to this section and nothing, except as  
11 otherwise provided by Section 840-2.17 of Title 74 of the Oklahoma  
12 Statutes, shall be construed to authorize any increase or  
13 advancement of the salaries of:

14 1. Any elected official;

15 2. Any cabinet secretary whose salary is governed by Section  
16 10.5 of Title 74 of the Oklahoma Statutes;

17 3. Any agency director who is also a cabinet secretary pursuant  
18 to Section 10.3 of Title 74 of the Oklahoma Statutes;

19 4. Any justice or judge whose salary is governed by Section 1.2  
20 or 1.2A of Title 85 of the Oklahoma Statutes or whose compensation  
21 is set by the Board on Judicial Compensation pursuant to Section 3.4  
22 of Title 20 of the Oklahoma Statutes;

23 5. Any district attorney whose salary is governed by Section  
24 215.30 of Title 19 of the Oklahoma Statutes;

1           6. Officers and employees of institutions under the  
2 administrative authority of the Oklahoma State Regents for Higher  
3 Education, except for officers and employees of the George Nigh  
4 Rehabilitation Institute;

5           7. Persons employed pursuant to Section 2241 of Title 74 of the  
6 Oklahoma Statutes;

7           8. Persons employed pursuant to Section 1.6a of Title 53 of the  
8 Oklahoma Statutes;

9           9. Persons who are employed or under contract pursuant to  
10 subsection B of Section 1419 of Title 10 of the Oklahoma Statutes;

11           10. The Adjutant General and Assistant Adjutants General  
12 pursuant to Section 27 of Title 44 of the Oklahoma Statutes; and

13           11. Employees in those positions listed in the salary schedules  
14 in subsection F of Section 2-106 of Title 47, Section 2-103a of  
15 Title 63 of the Oklahoma Statutes, Section 935 of Title 63, and  
16 Section 150.6a of Title 74 of the Oklahoma Statutes.

17           H. No salary increase pursuant to this section shall be made  
18 that exceeds a salary limitation provided in an agency's annual  
19 appropriation bill or salary limits set by statute. Classified  
20 employees eligible for the salary increase provided for in this  
21 section shall receive such increase even though it causes the  
22 employee's salary to exceed the maximum for the employee's pay band.

23           SECTION 2.           NEW LAW           A new section of law not to be  
24 codified in the Oklahoma Statutes reads as follows:

1 No funds appropriated for the purpose of implementing the pay  
2 increase provided in Section 1 of this act shall be expended by any  
3 employing public agency, board, commission or other public employing  
4 entity in order to increase compensation for persons employed by a  
5 private business entity that has entered into a contract with the  
6 public employing entity to provide personnel services or temporary  
7 services to the public employing entity in order for the public  
8 employing entity to perform duties imposed upon it by law or  
9 functions which the public employing entity is authorized to perform  
10 by law. The provisions of this section shall not be construed to  
11 prohibit increases in compensation to a vendor performing other  
12 types of services pursuant to a sole source contract or contract  
13 awarded pursuant to the Oklahoma Central Purchasing Act.

14 SECTION 3. This act shall become effective July 1, 2008.

15 SECTION 4. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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