

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 626

By: Laughlin

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5
6 AS INTRODUCED

7 An Act relating to state employees; amending 62 O.S.
8 2001, Section 7.10, as last amended by Section 1,
9 Chapter 49, O.S.L. 2005 (62 O.S. Supp. 2006, Section
10 7.10), which relates to voluntary payroll deductions;
11 moving voluntary payroll deductions paid by certain
12 companies from the General Fund; amending 74 O.S.
13 2001, Sections 840-1.20, 840-2.17, as last amended by
14 Section 1, Chapter 240, O.S.L. 2006 840-4.15, as last
15 amended by Section 96, Chapter 5, O.S.L. 2004, 840-
16 5.16, 840-5.5, as last amended by Section 3, Chapter
17 47, 2nd Extraordinary Session, O.S.L. 2006, and 4121
18 (74 O.S. Supp. 2006, Sections 840-2.17, 840-4.15,
19 840-5.5 and 4121), which relate to the Office of
20 Personnel Management Revolving Fund, raises, posting
21 vacancies and promotional opportunities, State Work
22 Incentive Program, unclassified employees, and on-the
23 job employee performance recognition program;
24 creating a petty cash fund for OPM; changing the pay
movement mechanism report from a calendar year to a
fiscal year; reinstating posting requirement for
vacancy notices; deleting certain requirement for
testing for the State Work Incentive Program; adding
certain unclassified positions; modifying types of
recognition awards; increasing the maximum cash award
for the state employee performance recognition award;
providing an effective date; and declaring an
emergency.

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

1 SECTION 1. AMENDATORY 62 O.S. 2001, Section 7.10, as
2 last amended by Section 1, Chapter 49, O.S.L. 2005 (62 O.S. Supp.
3 2006, Section 7.10), is amended to read as follows:

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

8 2. If the governing body of any county, municipality, or school
9 district provides for voluntary payroll deductions to a credit union
10 serving the employees of the county, municipality, or school
11 district, it shall provide voluntary payroll deductions to any
12 credit union, bank, or savings association having an office in this
13 state which has a minimum participation of twenty percent (20%) of
14 the employees of the county, municipality, or school district.

15 B. Upon the request of a state employee and pursuant to
16 procedures established by the Administrator of the Office of
17 Personnel Management, a state agency, board, or commission shall
18 make payroll deductions for:

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

23 2. The payment of any insurance premiums due a private
24 insurance organization or service company which is regulated by the

1 State Insurance Commissioner and with a minimum participation of
2 five hundred (500) state employees for legal services;

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

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

8 5. Membership dues in the Oklahoma Public Employees Association
9 or any other statewide association limited to state employee
10 membership with a minimum membership of one thousand (1,000) dues-
11 paying members. For purposes of this paragraph, state agencies
12 shall accept online or electronically submitted forms from the
13 Oklahoma Public Employees Association and other state employee
14 associations. The Office of Personnel Management shall develop and
15 implement a verification process for online or electronically
16 submitted forms which may include the use of electronic signature
17 technology or other process as determined appropriate;

18 6. Contributions to its foundation organized pursuant to 26
19 U.S.C., Section 501(c)(3) in the Oklahoma Public Employees
20 Association or any other statewide association limited to state
21 employee membership with a minimum membership of one thousand
22 (1,000) dues-paying members;

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

4 8. Subscriptions to the Oklahoma Today magazine published by
5 the State of Oklahoma through the Oklahoma Tourism and Recreation
6 Department.

7 C. The administrative costs of processing payroll deductions or
8 administering salary adjustment agreements for insurance premiums as
9 provided for in subsection B of this section shall be a charge of
10 two percent (2%) of the gross annual premiums for insurance plans.
11 The administrative costs ~~of~~ incurred by the Office of Personnel
12 Management for processing payroll deductions or administering salary
13 adjustment agreements for payments for retirement plans as provided
14 for in subsection B of this section shall be one percent (1%) of the
15 gross annual payments for retirement plans. These charges shall be
16 collected monthly from the private insurance or retirement plan
17 organization by the Office of Personnel Management and shall be
18 deposited to the credit of the General Revenue Fund into the Office
19 of Personnel Management Revolving Fund created by Section 840-1.20
20 of this title. Provided that these costs shall not be collected
21 from state employees or state agencies unless otherwise directed in
22 Section 1 et seq. of this title.

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

4 E. Approval of a payroll deduction or salary adjustment
5 agreement for any insurance organization, line of coverage or policy
6 shall not be construed as an assumption of liability, for the term
7 of policy or the performance of the insurance organization, by this
8 state, or any of its agencies, boards, commissions, institutions or
9 any officer or employee thereof. Contracts for such insurance shall
10 be in all respects subject to the insurance laws of this state, and
11 shall be enforceable solely pursuant to such laws.

12 F. The Oklahoma Employment Security Commission is authorized to
13 deduct from the wages or salary of its employees the employees'
14 contribution to the Oklahoma Employment Security Commission
15 Retirement Plan.

16 G. Payroll deductions shall be made for premium payments for
17 group insurance for retired members or beneficiaries of any state-
18 supported retirement system upon proper authorization given by the
19 member or beneficiary to the board from which the member or
20 beneficiary is currently receiving retirement benefits.

21 H. Upon request of instructional personnel employed at either
22 the Oklahoma School for the Blind or the Oklahoma School for the
23 Deaf and pursuant to procedures established by the Administrator of
24 the Office of Personnel Management, the Commission for

1 Rehabilitation Services shall make payroll deductions for membership
2 dues in any statewide educational employee organization or
3 association.

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

6 Section 840-1.20 A. There is hereby created in the State
7 Treasury a revolving fund for the Office of Personnel Management to
8 be designated the "Office of Personnel Management Revolving Fund".
9 The fund shall be a continuing fund, not subject to fiscal year
10 limitations, and shall consist of fees received by the Office of
11 Personnel Management for providing training for a certified public
12 managers program and all other monies received by the Office of
13 Personnel Management, except for appropriated monies, monies
14 received as payment for administrative expenses under Section ~~840-14~~
15 840-1.18 of ~~Title 74 of the Oklahoma Statutes~~ this title, monies
16 placed in the Employee Benefits Revolving Fund, monies placed in the
17 Benefits Council Administration Revolving Fund, and any monies in
18 revolving funds established by the Office of State Finance to
19 support the operation of the Oklahoma Employees Benefits Council or
20 to reimburse the Office of Personnel Management for services the
21 Office provides to the Council. All monies accruing to the credit
22 of said fund are hereby appropriated and may be budgeted and
23 expended by the Office of Personnel Management for defraying the
24 costs incurred in performing the duties and functions of the Office.

1 Expenditures from said fund shall be made upon warrants issued by
2 the State Treasurer against claims filed as prescribed by law with
3 the Director of State Finance for approval and payment.

4 B. There is hereby created a petty cash fund for the Office of
5 Personnel Management. The Director of State Finance and the
6 Administrator of the Office of Personnel Management are authorized
7 to fix the maximum amount of this petty cash fund and the Director
8 of State Finance shall prescribe the rules and procedures for the
9 administration of the petty cash fund.

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

13 SECTION 3. AMENDATORY 74 O.S. 2001, Section 840-2.17, as
14 last amended by Section 1, Chapter 240, O.S.L. 2006 (74 O.S. Supp.
15 2006, Section 840-2.17), is amended to read as follows:

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

1 employees on an across-the-board basis, except as herein provided.
2 Such raises are prohibited unless authorized by the Legislature and
3 by Merit System of Personnel Administration Rules promulgated by the
4 Administrator. This prohibition applies to all classified and
5 unclassified officers and employees in the executive branch of state
6 government, excluding institutions under the administrative
7 authority of the Oklahoma State Regents for Higher Education.

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

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

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

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

22 4. Payment of overtime, special entrance rates, pay
23 differentials;

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1 5. Payment of wages, salaries, or rates of pay established and
2 mandated by law;

3 6. Market adjustments for job family levels tied to market
4 competitiveness;

5 7. Intra-agency lateral transfers, provided that the adjustment
6 does not exceed five percent (5%) and the adjustment is based on the
7 needs of the agency;

8 8. Skill-based adjustments. Such adjustments, which are
9 implemented before November 1, 2006, other than lump-sum payments,
10 shall become permanent after twenty-four (24) months from the date
11 such salary adjustment is implemented and may not later be removed
12 from an employee's base salary if a furlough or reduction-in-force
13 is implemented by the appointing authority granting such salary
14 adjustment. Skill-based pay adjustments, which are implemented on
15 or after November 1, 2006, and which are paid to an employee, shall
16 be paid as long as the employee remains employed in the position and
17 performs the skills for which the differential is due, but shall not
18 be included as a part of the employee's base salary;

19 9. Equity-based adjustments;

20 10. Performance-based adjustments for employees who received at
21 least a "meets standards" rating on their most current performance
22 rating;

23 11. Career progression increases as an employee advances
24 through job family levels; or

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

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

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

15 E. Appointing authorities may implement the pay movement
16 mechanisms in paragraphs 6 through 12 in subsection B of this
17 section subject to the availability of funds within the agency's
18 budget for the current fiscal year and subsequent fiscal year
19 without the need for additional funding to increase the personal
20 services budget of the agency. Failure by the appointing authority
21 to follow the provisions of this subsection may cause the withdrawal
22 of the use of the pay movement mechanisms provided in paragraphs 6,
23 7, 9, 10, and 11 of subsection B of this section within the agency
24 during the next appropriations cycle.

1 F. All agencies, boards, and commissions shall report to the
2 Office of Personnel Management on ~~an annual~~ fiscal year basis the
3 pay movement mechanisms utilized in paragraphs 6 through 12 in
4 subsection B of this section. The report shall include the pay
5 movement mechanisms type, frequency, amounts provided, affected
6 classifications and job families, and other information as
7 prescribed by the Administrator of the Office of Personnel
8 Management. Agencies shall report this information for the twelve-
9 month period ending ~~December 31~~ June 30 for classified and
10 unclassified employees. ~~Agencies must also report projected pay~~
11 ~~movement mechanisms and costs anticipated for the balance of the~~
12 ~~fiscal year.~~ 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 4. AMENDATORY 74 O.S. 2001, Section 840-4.15, as
17 last amended by Section 96, Chapter 5, O.S.L. 2004 (74 O.S. Supp.
18 2006, Section 840-4.15), is amended to read as follows:

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

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

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

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

12 3. The pay band and range;

13 4. The anticipated number of vacancies;

14 5. The specific location of work;

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

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

19 B. The appointing authority may elect to post general
20 promotional opportunities in accordance with the provisions of this
21 section in cases where there are usually continuous multiple vacant
22 positions within a given job family; provided the appointing
23 authority maintains a promotional applicant list for each job family
24 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 5. 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 Department of Rehabilitation Services
24 in the state service. The program shall focus on placement of

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

21 B. Agencies employing eligible persons in the State Work
22 Incentive Program shall employ them in unclassified status for up to
23 two (2) years in full-time or part-time capacity. State Work
24 Incentive Program positions shall not be included within any

1 limitation on full-time-equivalent employee positions for any
2 agency. The service of participants shall be rated pursuant to
3 Section 840-4.17 of this title.

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

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

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

16 2. Possesses the minimum requirements specified for an
17 applicable job; ~~and~~

18 ~~3. Passes any entrance examination required for the applicable~~
19 ~~job by the Office of Personnel Management, or a person with severe~~
20 ~~disabilities and is eligible to be hired pursuant to Section 840-~~
21 ~~4.12 of this title.~~

22 The Administrator of the Office of Personnel Management shall
23 promulgate such rules as are necessary for the implementation of the
24 State Work Incentive Program.

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

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

8 1. Persons chosen by popular vote or appointment to fill an
9 elective office, and their employees, except the employees of the
10 Corporation Commission, the State Department of Education and the
11 Department of Labor;

12 2. Members of boards and commissions, and heads of agencies;
13 also one principal assistant or deputy and one executive secretary
14 for each state agency;

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

16 4. Persons employed with one-time, limited duration, federal or
17 other grant funding that is not continuing or indefinitely
18 renewable. The length of the unclassified employment shall not
19 exceed the period of time for which that specific federal funding is
20 provided;

21 5. All officers and employees of The Oklahoma State System of
22 Higher Education, State Board of Education and Oklahoma Department
23 of Career and Technology Education;

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

10 7. Election officials and employees;

11 8. Temporary employees employed to work less than one thousand
12 (1,000) hours in any twelve-month period, seasonal employees
13 employed by the Oklahoma Tourism and Recreation Department pursuant
14 to Section 2241 of this title who work less than one thousand two
15 hundred (1,200) hours in any twelve-month period, and seasonal
16 employees employed at lodges and golf courses operated by the
17 Oklahoma Tourism and Recreation Department pursuant to Section 2241
18 of this title who work less than one thousand six hundred (1,600)
19 hours in any twelve-month period;

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

- 22 a. administrative aides to the Commissioner,
- 23 b. executive secretaries to the Commissioner,

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- 1 c. the Governor's representative of the Oklahoma Highway
2 Safety Office who shall be appointed by the Governor,
3 d. Highway Patrol Colonel,
4 e. Highway Patrol Lieutenant Colonel,
5 f. Highway Patrol Major,
6 g. Director of Finance,
7 h. noncommissioned pilots,
8 i. Information Systems Administrator,
9 j. Law Enforcement Telecommunications System Specialist,
10 k. Director of Driver License Administration,
11 l. Director of Transportation Division,
12 m. Director of the Alcohol and Drug Countermeasures Unit,
13 n. Director of the Oklahoma Highway Safety Office,
14 o. Civil Rights Administrator,
15 p. Budget Analyst,
16 q. Comptroller,
17 r. Chaplain,
18 s. Helicopter Mechanic,
19 t. Director of Safety Compliance,
20 u. Human Resources Director,
21 v. Administrator of Department Services, and
22 w. a maximum of seven (7) positions for the purpose of
23 administering programs in the Oklahoma Highway Safety
24 Office, within full-time employee limitations of the

1 Department, employed with federal funding that is
2 continuing or indefinitely renewable. The
3 authorization for such positions shall be terminated
4 if the federal funding for positions is discontinued;
5 provided, any person appointed to a position prescribed in
6 subparagraph d, e, f or o of this paragraph shall have a right of
7 return to the classified commissioned position without any loss of
8 rights, privileges or benefits immediately upon completion of the
9 duties in the unclassified commissioned position, and any person
10 appointed to a position prescribed in subparagraph i, j, k, l, m or
11 n of this paragraph shall have a right of return to the previously
12 held vacant classified position within the Department of Public
13 Safety without any loss of rights, privileges or benefits
14 immediately upon completion of the duties in the unclassified
15 commissioned position;

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

18 11. Students who are employed on a part-time basis, which shall
19 be seventy-five percent (75%) of a normal forty-hour work week or
20 thirty (30) hours per week, or less, or on a full-time basis if the
21 employment is pursuant to a cooperative education program such as
22 that provided for under Title I IV-D of the Higher Education Act of
23 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
24 enrolled in:

- 1 a. an institution of higher learning within The Oklahoma
2 State System of Higher Education,
- 3 b. an institution of higher learning qualified to become
4 coordinated with The Oklahoma State System of Higher
5 Education. For purposes of this section, a student
6 shall be considered a regularly enrolled student if
7 the student is enrolled in a minimum of five (5) hours
8 of accredited graduate courses or a minimum of ten
9 (10) hours of accredited undergraduate courses,
10 provided, however, the student shall only be required
11 to be enrolled in a minimum of six (6) hours of
12 accredited undergraduate courses during the summer, or
- 13 c. high school students regularly enrolled in a high
14 school in Oklahoma and regularly attending classes
15 during such time of enrollment;

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

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

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

5 15. Corporation Commission personnel occupying the following
6 offices and positions:

- 7 a. Administrative aides, and executive secretaries to the
8 Commissioners,
- 9 b. Directors of all the divisions, personnel managers and
10 comptrollers,
- 11 c. General Counsel,
- 12 d. Public Utility Division Chief Engineer,
- 13 e. Public Utility Division Chief Accountant,
- 14 f. Public Utility Division Chief Economist,
- 15 g. Public Utility Division Deputy Director,
- 16 h. Secretary of the Commission,
- 17 i. Deputy Conservation Director,
- 18 j. Manager of Pollution Abatement,
- 19 k. Manager of Field Operations,
- 20 l. Manager of Technical Services,
- 21 m. Public Utility Division Chief of Telecommunications,
- 22 n. Director of Information Services, and
- 23 o. All Data Processing employees hired on or after
24 September 1, 2005;

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

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

- 8 a. Director of Facility,
- 9 b. Deputy Director for Administration,
- 10 c. Clinical Services Director,
- 11 d. Executive Secretary to Director, and
- 12 e. Directors or Heads of Departments or Services;

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

- 15 a. State Comptroller,
- 16 b. Administrative Officers,
- 17 c. Alternator Claims Auditor,
- 18 d. Employees hired to fulfill state compliance agency
19 requirements under Model Tribal Gaming Compacts,
- 20 e. Employees of the Budget Division,
- 21 f. Employees of the Fiscal and Research Division,
- 22 g. Employees hired to work on the CORE Systems Project;
- 23 and

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1 h. The following employees of the Information Services
2 Division:

- 3 (1) Information Services Division Manager,
- 4 (2) Network Manager,
- 5 (3) Network Technician,
- 6 (4) Security Manager,
- 7 (5) Contracts/Purchasing Manager,
- 8 (6) Operating and Applications Manager,
- 9 (7) Project Manager,
- 10 (8) Help Desk Manager,
- 11 (9) Help Desk Technician,
- 12 (10) Quality Assurance Manager,
- 13 (11) ISD Analysts,
- 14 (12) CORE Manager,
- 15 (13) Enterprise System/Database Software Manager,
- 16 (14) Data Center Operations and Production Manager,
- 17 (15) Voice Communications Manager,
- 18 (16) Applications Development Manager,
- 19 (17) Projects Manager,
- 20 (18) PC's Manager,
- 21 (19) Servers Manager,
- 22 (20) Portal Manager, and
- 23 (21) Procurement Specialist;

24 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

5 22. The following positions and employees of the Oklahoma
6 School of Science and Mathematics:

7 a. positions for which the annual salary is Twenty-four
8 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
9 or more, as determined by the Office of Personnel
10 Management, provided no position shall become
11 unclassified because of any change in salary or grade
12 while it is occupied by a classified employee,

13 b. positions requiring certification by the State
14 Department of Education, and

15 c. positions and employees authorized to be in the
16 unclassified service of the state elsewhere in this
17 section or in subsection B of this section;

18 23. Office of Personnel Management employees occupying the
19 following positions:

20 a. the Carl Albert Internship Program Coordinator,

21 b. one Administrative Assistant, ~~and~~

22 c. one Workforce Planning Manager,

23 d. two Assistant Administrators,

24 e. one Associate Administrator, and

1 f. seven Division Directors;

2 24. Department of Labor personnel occupying the following
3 offices and positions:

4 a. two Deputy Commissioners,

5 b. two Executive Secretaries to the Commissioner,

6 c. Chief of Staff,

7 d. two Administrative Assistants,

8 e. Information Systems Administrator,

9 f. three Safety and Health Directors,

10 g. Research Director,

11 h. Employment Standards Director,

12 i. Asbestos Director, and

13 j. General Counsel;

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

15 26. The Oklahoma Employment Security Commission employees
16 occupying the following positions:

17 a. Associate Director,

18 b. Secretary to the Associate Director, and

19 c. Assistant to the Executive Director;

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

22 28. Officers and employees of the State Banking Department;

23 29. Officers and employees of the University Hospitals

24 Authority except personnel in the state classified service pursuant

1 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
2 the University Hospitals Authority Model Personnel System created
3 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
4 Statutes or as otherwise provided for in Section 3213.2 of Title 63
5 of the Oklahoma Statutes;

6 30. Alcoholic Beverage Laws Enforcement Commission employees
7 occupying the following positions:

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

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

15 31. The Oklahoma State Bureau of Investigation employees
16 occupying the following positions:

- 17 a. five assistant directors,
- 18 b. six special investigators,
- 19 c. one information representative,
- 20 d. one federally funded physical evidence technician,
- 21 e. four federally funded laboratory analysts,
- 22 f. a maximum of fourteen positions employed for the
23 purpose of managing the automated information systems
24 of the agency, and

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

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

- 4 a. Director of the Oklahoma Aeronautics Commission,
- 5 b. five Department of Transportation Assistant Director
6 positions,
- 7 c. eight field division engineer positions, and
- 8 d. one pilot position;

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

- 11 a. Director of the Investments Division,
- 12 b. Assistant Director of the Investments Division,
- 13 c. one Administrative Assistant,
- 14 d. one Audit Tech position,
- 15 e. one Auditor I position,
- 16 f. two Accounting Tech I positions,
- 17 g. two Administrative Assistant I positions,
- 18 h. two Imaging Specialist positions, and
- 19 i. one Information Systems Specialist position;

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

- 22 a. six Narcotics Agent positions and three Typist
23 Clerk/Spanish transcriptionists, including a Typist
24 Clerk Supervisor/Spanish transcriptionist, provided,

1 authorization for such positions shall be terminated
2 if the federal funding for the positions is
3 discontinued,

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

6 c. one fiscal officer,

7 d. one full-time Programmer, and

8 e. one full-time Network Engineer;

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

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

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

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

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:

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

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,

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

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

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

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

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

19 C. Effective July 1, 1996, authorization for unclassified
20 offices, positions, or personnel contained in a bill or joint
21 resolution shall terminate June 30 of the ensuing fiscal year after
22 the authorization unless the authorization is codified in the
23 Oklahoma Statutes or the termination is otherwise provided in the
24 legislation.

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

1 adjustments and increases in salary or benefits which the employee
2 would have received but for the leave of absence.

3 SECTION 7. AMENDATORY 74 O.S. 2001, Section 4121, as
4 amended by Section 1, Chapter 325, O.S.L. 2002 (74 O.S. Supp. 2006,
5 Section 4121), is amended to read as follows:

6 Section 4121. A. In order to establish a public employee
7 benefit program to encourage outstanding performance in the
8 workplace, the Administrator of the Office of Personnel Management
9 is hereby directed to establish an on-the-job employee performance
10 recognition program which encourages outstanding job performance and
11 productivity.

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

21 C. Recognition awards may be presented to members of work units
22 or individual employees having exceptional job performance records
23 or other significant contributions and such awards may be presented
24 at a formal or informal ceremony, banquet or reception, the cost of

1 which may be expended from monies available in the agency's
2 operating funds.

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

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

14 SECTION 8. This act shall become effective July 1, 2007.

15 SECTION 9. 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.

19

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