

THE HOUSE OF REPRESENTATIVES
Thursday, February 26, 2009

House Bill No. 1630

HOUSE BILL NO. 1630 - By: PITTMAN of the House and JOHNSON (CONSTANCE) of the Senate.

An Act relating to state government; amending 74 O.S. 2001, Section 840-6.2, which relates to the Oklahoma Personnel Act; expanding scope of grievance resolution procedures; and providing an effective date.

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

1 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-6.2, is amended to
2 read as follows:

3 Section 840-6.2 A. The Oklahoma Merit Protection Commission shall establish
4 standard internal agency grievance resolution procedures for classified and unclassified
5 state employees. The procedures shall encourage prompt and equitable resolution of
6 grievances at the lowest possible level within the employing agency. Each appointing
7 authority shall either use the procedures established by the Commission or adopt other
8 procedures which address the specific needs of their agencies. All procedures shall
9 contain the minimum requirements established pursuant to this section.

10 B. The appointing authority of each agency shall furnish to each ~~classified~~
11 employee a copy of the internal agency grievance resolution procedure utilized by the
12 agency.

1 C. No employee shall be disciplined or otherwise prejudiced in his or her
2 employment for exercising his or her rights under the internal agency grievance
3 resolution procedure.

4 D. Internal agency grievances may include, but are not limited to, any direct or
5 indirect form of discipline, reduction-in-force, work assignments, withholding of work,
6 classification, reclassification, promotion, leave, performance appraisal, length of service,
7 overtime, compensatory time, transfers, or any alleged violation of the Oklahoma
8 Personnel Act or merit rules.

9 E. The internal agency grievance resolution procedures established by the
10 Oklahoma Merit Protection Commission shall contain the following minimum
11 requirements:

12 1. Procedures encouraging resolution of disputes within the agency quickly,
13 informally and at the lowest possible level;

14 2. Procedures requiring prompt resolution of the internal agency grievance within
15 established time periods; and

16 3. Procedures guaranteeing the employee the right to be represented by a person of
17 his own choosing at each step of the procedure, except the initial informal discussion
18 with his immediate supervisor.

19 F. The Oklahoma Merit Protection Commission shall promulgate rules as
20 necessary to implement the provisions of subsections A through I of this section to
21 establish internal agency grievance resolution procedures, provided that such rules
22 previously promulgated by the Administrator of the Office of Personnel Management

1 shall be transferred to the Oklahoma Merit Protection Commission and shall remain in
2 effect until duly modified by the Commission.

3 G. The appointing authority of each ~~classified~~ agency shall designate employees of
4 the agency to receive and process internal agency grievances. Within six (6) months after
5 designation to serve in this capacity, these employees shall complete the training
6 programs established by the Commission. Upon successful completion, such employees
7 shall be certified to perform the duties associated with receiving and processing internal
8 agency grievances.

9 H. The appointing authority of each ~~classified~~ agency shall ensure that employees
10 designated to receive and process internal agency grievances are scheduled to attend and
11 notified of the required training and shall make time available for employees to complete
12 the training.

13 I. Each agency shall maintain records of each grievance filed as well as summary
14 information about the number, nature and outcome of all grievances filed. Agencies shall
15 keep records of grievances separate and apart from other individual employee personnel
16 files. Agencies shall annually report grievance information and related statistical data to
17 the Oklahoma Merit Protection Commission pursuant to rules adopted by the
18 Commission. An employee or former employee shall have a right of access to the
19 grievance record of grievances he or she filed after the grievance procedure has been
20 completed.

1 J. Employees may only appeal a reduction-in-force action to the Oklahoma Merit
2 Protection Commission on the basis of procedural errors in the application of the
3 reduction-in-force plan of the employing agency, board, or commission.

4 SECTION 2. This act shall become effective November 1, 2009.

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
6 25-09 - DO PASS, As Coauthored.