

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 2226

By: Brown

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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. 2008, Section  
10 840-2.17), which relates to salary adjustments;  
11 requiring certification by appointing authorities to  
12 the Office of Personnel Management; providing an  
13 effective date; and declaring an emergency.

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 2008, 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  
Oklahoma a raise, including, but not limited to, a cost-of-living

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

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

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

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

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

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

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. The appointing authority shall certify to the Office of  
8 Personnel Management that the implementation of the pay movement  
9 mechanisms described in paragraphs 6 through 11 of subsection B of  
10 this section does not violate the provisions of subsection A of  
11 Section 840-2.9 of the Oklahoma Personnel Act or Section 954 of  
12 Title 74 of the Oklahoma Statutes.

13 D. Provided, however, any reclassification for one of the  
14 purposes provided in subsection B of this section that would require  
15 additional funding by the Legislature shall not be implemented  
16 without approval of the Legislature.

17 ~~D.~~ E. The pay movement mechanisms described in paragraphs 6  
18 through 11 in subsection B of this section shall be implemented  
19 pursuant to rules promulgated by the Administrator of the Office of  
20 Personnel Management for the classified service.

21 ~~E.~~ F. Appointing authorities may implement the pay movement  
22 mechanisms in paragraphs 6 through 12 in subsection B of this  
23 section subject to the availability of funds within the agency's  
24 budget for the current fiscal year and subsequent fiscal year

1 without the need for additional funding to increase the personal  
2 services budget of the agency. Failure by the appointing authority  
3 to follow the provisions of this subsection may cause the withdrawal  
4 of the use of the pay movement mechanisms provided in paragraphs 6,  
5 7, 9, 10, and 11 of subsection B of this section within the agency  
6 during the next appropriations cycle.

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

20 SECTION 2. This act shall become effective July 1, 2009.

21 SECTION 3. It being immediately necessary for the preservation  
22 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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