

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1087

By: Marlatt

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5
6 AS INTRODUCED

7 An Act relating to public health and safety;
8 transferring powers and duties of the Emergency
9 Services Division of the State Department of Health
10 to the Emergency Medical Services Board; modifying
11 references; creating the Emergency Medical Services
12 Board; providing for membership of certain board;
13 specifying requirements for membership on certain
14 board; specifying terms of members on certain board;
15 providing for administration of certain board;
16 directing reimbursement for travel expenses in
17 certain circumstances; permitting the Emergency
18 Medical Services Board to promulgate certain rules;
19 providing for the chief administrative officer of
20 certain board; directing certain employees to retain
21 specified benefits; amending 74 O.S. 2001, Section
22 840-5.5, as last amended by Section 1, Chapter 300,
23 O.S.L. 2008 (74 O.S. Supp. 2008, Section 840-5.5),
24 which relates to unclassified service; permitting the
administrator of certain board to serve in an
unclassified position; providing for codification;
providing an effective date; and declaring an
emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 1-2500 of Title 63, unless there
is created a duplication in numbering, reads as follows:

1 A. On July 1, 2009, all powers and duties of the Emergency
2 Services Division of the State Department of Health shall be
3 transferred, along with funding allocations, from the State
4 Department of Health to the Emergency Medical Services Board.

5 B. All references in the Oklahoma Emergency Response Systems
6 Act to the State Department of Health shall mean the Emergency
7 Medical Services Board.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1-2500.1 of Title 63, unless
10 there is created a duplication in numbering, reads as follows:

11 A. There is hereby created the Emergency Medical Services
12 Board.

13 B. The Board shall be composed of nine (9) members to be
14 appointed by the Governor as follows:

15 1. A physician who is actively involved in emergency medical
16 services;

17 2. Two county commissioners of counties making a levy for
18 ambulance service, at least one of whom shall be from a county
19 having a population of less than fifteen thousand (15,000);

20 3. An emergency medical services instructor/coordinator;

21 4. A hospital administrator actively involved in emergency
22 medical services;

23 5. A member of a firefighting unit which provides emergency
24 medical service; and

1 6. Three active emergency medical technicians. At least two
2 types of emergency medical technicians as defined in Section 1-2503
3 of Title 63 of the Oklahoma Statutes shall be represented and at
4 least one of the members shall serve as a volunteer emergency
5 medical technician.

6 C. All members of the Board shall be residents of the state.
7 Appointments to the Board shall be made with due consideration that
8 representation of the various geographic areas of the state is
9 ensured. The Governor may remove any member of the Board upon
10 recommendation of the Board. Any person appointed to a position on
11 the Board shall forfeit such position upon vacating the office or
12 position which qualified such person to be appointed as a member of
13 the Board.

14 D. Of the members first appointed to the Board, three shall be
15 appointed for terms of one (1) year, two for terms of two (2) years,
16 two for terms of three (3) years, and two for terms of four (4)
17 years. Thereafter, members shall be appointed for terms of four (4)
18 years and until their successors are appointed and qualified. In
19 the case of a vacancy in the membership of the Board, the vacancy
20 shall be filled for the unexpired term.

21 E. The Board shall meet at least six (6) times annually and at
22 least once each quarter, at the call of the chair or at the request
23 of the administrator of the Board or any six (6) members of the
24 Board. At the first meeting of the Board after January 1 each year,

1 the members shall elect a chair and a vice-chair who shall serve for
2 a term of one (1) year. The vice-chair shall exercise all the
3 powers of the chair in the absence of the chair. If a vacancy
4 occurs in the office of the chair or vice-chair, the Board shall
5 fill such vacancy by election of one of its members to serve the
6 unexpired term of such office.

7 F. Board members shall be reimbursed for travel expenses
8 incurred in the performance of their duties as provided in the State
9 Travel Reimbursement Act.

10 SECTION 3. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1-2500.2 of Title 63, unless
12 there is created a duplication in numbering, reads as follows:

13 The Emergency Medical Services Board may promulgate rules as
14 necessary to implement the provisions of the Oklahoma Emergency
15 Response Systems Development Act.

16 SECTION 4. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1-2500.3 of Title 63, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The chief administrative officer of the Emergency Medical
20 Services Board shall be the administrator of the Board. The Board
21 shall appoint the administrator. The administrator shall be in the
22 unclassified service and shall serve at the pleasure of the Board.
23 The administrator shall administer the duties and responsibilities
24 of the Board as directed by the Board. The administrator shall

1 appoint other employees as may be necessary to carry out the
2 functions of the Board. All such employees shall be classified
3 employees who are subject to the Merit System of Personnel
4 Administration as provided in the Oklahoma Personnel Act.

5 B. All employees who are transferred to the Emergency Medical
6 Services Board from the Emergency Medical Services Division of the
7 State Department of Health shall retain leave, sick and annual time
8 earned and any retirement and longevity benefits which have accrued
9 during their tenure with the State Department of Health. The
10 salaries of employees who are transferred shall not be reduced as a
11 direct and immediate result of the transfer. The transfer of
12 personnel shall be coordinated with the Office of Personnel
13 Management.

14 SECTION 5. AMENDATORY 74 O.S. 2001, Section 840-5.5, as
15 last amended by Section 1, Chapter 300, O.S.L. 2008 (74 O.S. Supp.
16 2008, Section 840-5.5), is amended to read as follows:

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

20 1. Persons chosen by popular vote or appointment to fill an
21 elective office, and their employees, except the employees of the
22 Corporation Commission, the State Department of Education and the
23 Department of Labor;

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

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

5 4. Persons employed with one-time, limited duration, federal or
6 other grant funding that is not continuing or indefinitely
7 renewable. The length of the unclassified employment shall not
8 exceed the period of time for which that specific federal funding is
9 provided;

10 5. All officers and employees of The Oklahoma State System of
11 Higher Education, State Board of Education and Oklahoma Department
12 of Career and Technology Education;

13 6. Persons employed in a professional or scientific capacity to
14 make or conduct a temporary and special inquiry, investigation, or
15 examination on behalf of the Legislature or a committee thereof or
16 by authority of the Governor. These appointments and authorizations
17 shall terminate on the first day of the regular legislative session
18 immediately following the appointment, if not terminated earlier.
19 However, nothing in this paragraph shall prevent the reauthorization
20 and reappointment of any such person. Any such appointment shall be
21 funded from the budget of the appointing authority;

22 7. Election officials and employees;

23 8. Temporary employees employed to work less than one thousand
24 (1,000) hours in any twelve-month period, and seasonal employees

1 employed by the Oklahoma Tourism and Recreation Department pursuant
2 to Section 2241 of this title who work less than one thousand six
3 hundred (1,600) hours in any twelve-month period;

4 9. Department of Public Safety employees occupying the
5 following offices or positions:

- 6 a. administrative aides to the Commissioner,
- 7 b. executive secretaries to the Commissioner,
- 8 c. the Governor's representative of the Oklahoma Highway
9 Safety Office who shall be appointed by the Governor,
- 10 d. Highway Patrol Colonel,
- 11 e. Highway Patrol Lieutenant Colonel,
- 12 f. Director of Finance,
- 13 g. noncommissioned pilots,
- 14 h. Information Systems Administrator,
- 15 i. Law Enforcement Telecommunications System Specialist,
- 16 j. Director of Driver Compliance,
- 17 k. Director of Transportation Division,
- 18 l. Director of the Oklahoma Highway Safety Office,
- 19 m. Civil Rights Administrator,
- 20 n. Budget Analyst,
- 21 o. Comptroller,
- 22 p. Chaplain,
- 23 q. Helicopter Mechanic,
- 24 r. Director of Safety Compliance,

1 s. Human Resources Director,
2 t. Administrator of Department Services, and
3 u. a maximum of seven (7) positions for the purpose of
4 administering programs in the Oklahoma Highway Safety
5 Office, within full-time employee limitations of the
6 Department, employed with federal funding that is
7 continuing or indefinitely renewable. The
8 authorization for such positions shall be terminated
9 if the federal funding for positions is discontinued;

10 provided, any person appointed to a position prescribed in
11 subparagraph d or e of this paragraph shall have a right of return
12 to the classified commissioned position without any loss of rights,
13 privileges or benefits immediately upon completion of the duties in
14 the unclassified commissioned position;

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

17 11. Students who are employed on a part-time basis, which shall
18 be seventy-five percent (75%) of a normal forty-hour work week or
19 thirty (30) hours per week, or less, or on a full-time basis if the
20 employment is pursuant to a cooperative education program such as
21 that provided for under Title I IV-D of the Higher Education Act of
22 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
23 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,
- 23 o. All Data Processing employees hired on or after
24 September 1, 2005,

- 1 p. All Public Utilities employees hired on or after
2 September 1, 2007,
3 q. All Regulatory Program Managers hired on or after
4 September 1, 2007, and
5 r. All Pipeline Safety Department employees hired on or
6 after September 1, 2008;

7 16. At the option of the employing agency, the Supervisor,
8 Director, or Educational Coordinator in any other state agency
9 having a primary responsibility to coordinate educational programs
10 operated for children in state institutions;

11 17. Department of Mental Health and Substance Abuse Services
12 personnel occupying the following offices and positions at each
13 facility:

- 14 a. Director of Facility,
15 b. Deputy Director for Administration,
16 c. Clinical Services Director,
17 d. Executive Secretary to Director, and
18 e. Directors or Heads of Departments or Services;

19 18. Office of State Finance personnel occupying the following
20 offices and positions:

- 21 a. State Comptroller,
22 b. Administrative Officers,
23 c. Alternator Claims Auditor,
24

- 1 d. Employees hired to fulfill state compliance agency
2 requirements under Model Tribal Gaming Compacts,
3 e. Employees of the Budget Division,
4 f. Employees of the Fiscal and Research Division,
5 g. Employees hired to work on the CORE Systems Project;
6 and
7 h. The following employees of the Information Services
8 Division:
9 (1) Information Services Division Manager,
10 (2) Network Manager,
11 (3) Network Technicians,
12 (4) Security Manager,
13 (5) Contracts/Purchasing Manager,
14 (6) Operating and Applications Manager,
15 (7) Project Manager,
16 (8) Help Desk Manager,
17 (9) Help Desk Technicians,
18 (10) Quality Assurance Manager,
19 (11) ISD Analysts,
20 (12) CORE Manager,
21 (13) Enterprise System/Database Software Manager,
22 (14) Data Center Operations and Production Manager,
23 (15) Voice Communications Manager,
24 (16) Applications Development Manager,

- 1 (17) Projects Manager,
- 2 (18) PC's Manager,
- 3 (19) Servers Manager,
- 4 (20) Portal Manager,
- 5 (21) Procurement Specialists,
- 6 (22) Security Technicians,
- 7 (23) Enterprise Communications and Network
- 8 Administrator,
- 9 (24) Server Support Specialists,
- 10 (25) Senior Server Support Specialists,
- 11 (26) Systems Support Specialists, and
- 12 (27) Senior Systems Support Specialists;

13 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

18 22. The following positions and employees of the Oklahoma
19 School of Science and Mathematics:

- 20 a. positions for which the annual salary is Twenty-four
- 21 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
- 22 or more, as determined by the Office of Personnel
- 23 Management, provided no position shall become
- 24

- 1 unclassified because of any change in salary or grade
2 while it is occupied by a classified employee,
3 b. positions requiring certification by the State
4 Department of Education, and
5 c. positions and employees authorized to be in the
6 unclassified service of the state elsewhere in this
7 section or in subsection B of this section;

8 23. Office of Personnel Management employees occupying the
9 following positions:

- 10 a. the Carl Albert Internship Program Coordinator,
11 b. one Administrative Assistant,
12 c. one Workforce Planning Manager,
13 d. Assistant Administrators,
14 e. one Associate Administrator, and
15 f. Division Directors;

16 24. Department of Labor personnel occupying the following
17 offices and positions:

- 18 a. two Deputy Commissioners,
19 b. two Executive Secretaries to the Commissioner,
20 c. Chief of Staff,
21 d. two Administrative Assistants,
22 e. Information Systems Administrator,
23 f. three Safety and Health Directors,
24 g. Research Director,

- 1 h. Employment Standards Director,
- 2 i. Asbestos Director,
- 3 j. General Counsel,
- 4 k. one Legal Secretary,
- 5 l. one Docket Clerk, and
- 6 m. two Information Systems Application Specialists;
- 7 25. The State Bond Advisor and his or her employees;
- 8 26. The Oklahoma Employment Security Commission employees

9 occupying the following positions:

- 10 a. Associate Director,
- 11 b. Secretary to the Associate Director, and
- 12 c. Assistant to the Executive Director;
- 13 27. Oklahoma Human Rights Commission personnel occupying the
- 14 position of Administrative Assistant;
- 15 28. Officers and employees of the State Banking Department;
- 16 29. Officers and employees of the University Hospitals

17 Authority except personnel in the state classified service pursuant
18 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
19 the University Hospitals Authority Model Personnel System created
20 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
21 Statutes or as otherwise provided for in Section 3213.2 of Title 63
22 of the Oklahoma Statutes;

- 23 30. Alcoholic Beverage Laws Enforcement Commission employees
- 24 occupying the following positions:

- 1 a. three Administrative Service Assistant positions,
2 however, employees in such positions who are in the
3 unclassified service on June 4, 2003, may make an
4 election to be in the classified service without a
5 loss in salary by September 1, 2003, and
6 b. the Deputy Director position in addition to the one
7 authorized by paragraph 2 of this subsection;

8 31. The Oklahoma State Bureau of Investigation employees
9 occupying the following positions:

- 10 a. five assistant directors,
11 b. six special investigators,
12 c. one information representative,
13 d. one federally funded physical evidence technician,
14 e. four federally funded laboratory analysts,
15 f. a maximum of fourteen positions employed for the
16 purpose of managing the automated information systems
17 of the agency,
18 g. one executive secretary in addition to the one
19 authorized pursuant to paragraph 2 of this subsection,
20 h. Child Abuse Response Team (CART) investigator, and
21 i. Child Abuse Response Team (CART) forensic interviewer;

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

- 23 a. Director of the Oklahoma Aeronautics Commission,
24

- b. five Department of Transportation Assistant Director positions,
- c. eight field division engineer positions,
- d. one pilot position,
- e. five Project Manager Positions, and
- f. five Transportation Coordinators;

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

- a. Director of the Investments Division,
- b. Assistant Director of the Investments Division,
- c. one Administrative Assistant,
- d. one Audit Tech position,
- e. one Auditor I position,
- f. two Accounting Tech I positions,
- g. two Administrative Assistant I positions,
- h. two Imaging Specialist positions, and
- i. one Information Systems Specialist position;

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

- a. six Narcotics Agent positions and three Typist Clerk/Spanish transcriptionists, including a Typist Clerk Supervisor/Spanish transcriptionist, provided, authorization for such positions shall be terminated

1 if the federal funding for the positions is
2 discontinued,

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

5 c. one fiscal officer,

6 d. one full-time Programmer, and

7 e. one full-time Network Engineer;

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

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

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

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

- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection, and
- d. one Programs Manager;

37. The following positions and employees of the Department of Central Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,
- l. one Property Distribution Administrator,
- m. three licensed architects assigned to the Construction and Properties Division,
- n. three licensed engineers assigned to the Construction and Properties Division,

- 1 o. eight construction consultants assigned to the
- 2 Construction and Properties Division,
- 3 p. one attorney assigned to the Construction and
- 4 Properties Division,
- 5 q. three positions assigned to the Information Services
- 6 Division, which shall include one Information
- 7 Technology Manager, one Applications Specialist and
- 8 one Data Planning Specialist, and
- 9 r. four positions assigned to Fleet Management, which
- 10 shall include one Deputy Fleet Manager and three
- 11 Management Analysts;

12 38. Oklahoma Water Resources Board personnel occupying the
13 following offices and positions:

- 14 a. four Water Quality Assistant Division Chiefs,
- 15 b. four Water Resources Division Chiefs, and
- 16 c. Director of Water Planning;

17 39. J.D. McCarty Center for Children with Developmental
18 Disabilities personnel occupying the following offices and
19 positions:

- 20 a. Physical Therapists,
- 21 b. Physical Therapist Assistants,
- 22 c. Occupational Therapists,
- 23 d. Certified Occupational Therapist Aides, and
- 24 e. Speech Pathologists;

1 40. The Development Officer, the Director of the State Museum
2 of History and the Cherokee Strip Regional Heritage Center Director
3 within the Oklahoma Historical Society;

4 41. Oklahoma Department of Agriculture, Food, and Forestry
5 personnel occupying the following positions:

- 6 a. one Executive Secretary in addition to the Executive
7 Secretary authorized by paragraph 2 of this subsection
8 and one Executive Assistant,
- 9 b. nineteen Agricultural Marketing Coordinator III
10 positions,
- 11 c. temporary fire suppression personnel, regardless of
12 the number of hours worked, who are employed by the
13 Oklahoma Department of Agriculture, Food, and
14 Forestry; provided, however, notwithstanding the
15 provisions of any other section of law, the hours
16 worked by such employees shall not entitle such
17 employees to any benefits received by full-time
18 employees,
- 19 d. one Information Technology Specialist,
- 20 e. one Director of Administrative Services,
- 21 f. one Water Quality Consumer Complaint Coordinator,
- 22 g. one hydrologist position,
- 23 h. Public Information Office Director,
- 24 i. one Information Technology Technician,

- 1 j. Legal Services Director,
- 2 k. Animal Industry Services Director,
- 3 l. Agricultural Environmental Management Services
- 4 Director,
- 5 m. Forestry Services Director,
- 6 n. Plant Industry and Consumer Services Director,
- 7 o. one Grants Administrator position,
- 8 p. Director of Laboratory Services,
- 9 q. Chief of Communications,
- 10 r. Public Information Manager,
- 11 s. Inventory/Supply Officer,
- 12 t. five Agriculture Field Inspector positions assigned
- 13 the responsibility for conducting inspections and
- 14 audits of agricultural grain storage warehouses. All
- 15 other Agriculture Field Inspector positions and
- 16 employees of the Oklahoma Department of Agriculture,
- 17 Food, and Forestry shall be classified and subject to
- 18 the provisions of the Merit System of Personnel
- 19 Administration. On November 1, 2002, all other
- 20 unclassified Agriculture Field Inspectors shall be
- 21 given status in the classified service as provided in
- 22 Section 840-4.2 of this title,
- 23 u. Rural Fire Coordinator,
- 24 v. one Agricultural Marketing Coordinator I,

- 1 w. Food Safety Division Director,
- 2 x. two Environmental Program Specialists,
- 3 y. two Scale Technicians, and
- 4 z. two Plant Protection Specialists;

5 42. The Contracts Administrator within the Oklahoma State
6 Employees Benefits Council;

7 43. The Development Officer within the Oklahoma Department of
8 Libraries;

9 44. Oklahoma Real Estate Commission personnel occupying the
10 following offices and positions:

- 11 a. Educational Program Director, and
- 12 b. Data Processing Manager;

13 45. A Chief Consumer Credit Examiner for the Department of
14 Consumer Credit;

15 46. All officers and employees of the Oklahoma Capitol Complex
16 and Centennial Commemoration Commission;

17 47. All officers and employees of the Oklahoma Motor Vehicle
18 Commission;

19 48. One Museum Archivist of The Will Rogers Memorial
20 Commission;

21 49. One Fire Protection Engineer of the Office of the State
22 Fire Marshal;

23 50. Acting incumbents employed pursuant to Section 209 of Title
24 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not

1 be included in any limitation on full-time equivalency imposed by
2 law on an agency. Permanent classified employees may request a
3 leave of absence from classified status and accept an unclassified
4 appointment and compensation as an acting incumbent with the same
5 agency; provided, the leave shall expire no later than two (2) years
6 from the date of the acting incumbent appointment. An appointing
7 authority may establish unclassified positions and appoint
8 unclassified employees to perform the duties of a permanent
9 classified employee who is on leave of absence from a classified
10 position to serve as an acting incumbent. All unclassified
11 appointments created pursuant to this paragraph shall expire no
12 later than two (2) years from the date of appointment. Classified
13 employees accepting unclassified appointments and compensation
14 pursuant to this paragraph shall be entitled to participate without
15 interruption in any benefit programs available to classified
16 employees, including retirement and insurance programs. Immediately
17 upon termination of an unclassified appointment pursuant to this
18 paragraph, an employee on assignment from the classified service
19 shall have a right to be restored to the classified service and
20 reinstated to the former job family level and compensation plus any
21 adjustments and increases in salary or benefits which the employee
22 would have received but for the leave of absence;

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1 51. The Oklahoma Homeland Security Director and all other
2 positions assigned the responsibilities of working in the Oklahoma
3 Office of Homeland Security;

4 52. The following eighteen (18) positions in the State
5 Department of Health:

- 6 a. one surveillance supervisor,
- 7 b. one surveillance project monitor,
- 8 c. two bilingual interviewers,
- 9 d. eight senior interviewers, and
- 10 e. six interviewers;

11 53. State Board of Registration for Professional Engineers and
12 Land Surveyors personnel occupying the following offices and
13 positions:

- 14 a. one Director of Enforcement, and
- 15 b. two Board Investigators;

16 54. One Information Systems Data Management Analyst of the
17 Oklahoma State and Education Employees Group Insurance Board; ~~and~~

18 55. Two Management Information Systems positions of the Office
19 of Juvenile Affairs; and

20 56. The chief administrative officer of the Emergency Medical
21 Services Board.

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

- 1 1. Licensed medical doctors, osteopathic physicians, dentists,
2 psychologists, and nurses;
- 3 2. Certified public accountants;
- 4 3. Licensed attorneys;
- 5 4. Licensed veterinarians; and
- 6 5. Licensed pharmacists.

7 C. Effective July 1, 1996, authorization for unclassified
8 offices, positions, or personnel contained in a bill or joint
9 resolution shall terminate June 30 of the ensuing fiscal year after
10 the authorization unless the authorization is codified in the
11 Oklahoma Statutes or the termination is otherwise provided in the
12 legislation.

13 D. The appointing authority of agencies participating in the
14 statewide information systems project may establish unclassified
15 positions and appoint unclassified employees to the project as
16 needed. Additional unclassified positions may be established, if
17 required, to appoint an unclassified employee to perform the duties
18 of a permanent classified employee who is temporarily absent from a
19 classified position as a result of assignment to this project. All
20 unclassified appointments under this authority shall expire no later
21 than December 31, 2007, and all unclassified positions established
22 to support the project shall be abolished. Both the positions and
23 appointments resulting from this authority shall be exempt from any
24 agency FTE limitations and any limits imposed on the number of

1 unclassified positions authorized. Permanent classified employees
2 may request a leave of absence from classified status and accept an
3 unclassified appointment and compensation with the same agency under
4 the provisions of this subsection; provided, the leave shall expire
5 no later than December 31, 2007. Employees accepting the
6 appointment and compensation shall be entitled to participate
7 without interruption in any benefit programs available to classified
8 employees, including retirement and insurance programs. Immediately
9 upon termination of an unclassified appointment pursuant to this
10 subsection, an employee on assignment from the classified service
11 shall have a right to be restored to the classified service and
12 reinstated to the former job family level and compensation plus any
13 adjustments and increases in salary or benefits which the employee
14 would have received but for the leave of absence.

15 SECTION 6. This act shall become effective July 1, 2009.

16 SECTION 7. It being immediately necessary for the preservation
17 of the public peace, health and safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

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21 52-1-288 JM 3/6/2009 1:34:02 AM

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