

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1096

By: Reynolds

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5
6 AS INTRODUCED

7 An Act relating to compensation; providing for pay
8 increase for certain employees; defining term;
9 prescribing conditions for pay increase; providing
10 increase applicable to certain persons; providing for
11 method to implement pay increase for persons on leave
12 without pay status; providing method to implement pay
13 increase for certain employees based upon
14 interruption in service; excluding certain officers
15 and employees from eligibility for pay increase;
16 prohibiting expenditure of certain funds for purposes
17 related to personnel service contracts; providing
18 exception; requiring Office of Personnel Management
19 to contract for the conduct of a comprehensive
20 compensation survey; requiring a report; providing
21 for distribution of report; providing for
22 codification; providing for noncodification;
23 providing an effective date; and declaring an
24 emergency.

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

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

A. Effective July 1, 2009, all full-time and part-time officers
and employees, including temporary and other limited-term employees,
of the state who were employed by the state on the last working day

1 of June 2009 and who received a rating of "meets standards" or
2 higher on their most current performance rating, shall be awarded an
3 annualized salary increase equal to Two Thousand Dollars
4 (\$2,000.00).

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

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

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

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

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

22 E. Employees eligible for the increase provided for in
23 subsection A of this section who are on leave without pay on July 1,
24 2009, shall receive an annualized increase, effective upon their

1 return to work, but shall not receive any increase for a period of
2 time prior to their return to work.

3 F. Employees who leave the state service before July 1, 2009,
4 and who are reinstated or reemployed in the state service during
5 July 2009, without a break in service, who are otherwise eligible
6 for the pay increase provided for in this section shall be granted
7 such raise effective immediately upon such reinstatement or
8 reemployment. As used in this subsection, "break in service" is
9 defined as a period of time in excess of thirty (30) calendar days
10 between two periods of state employment.

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

16 1. Any elected official;

17 2. Any cabinet secretary whose salary is governed by Section
18 10.5 of Title 74 of the Oklahoma Statutes;

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

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

1 5. Any district attorney whose salary is governed by Section
2 215.30 of Title 19 of the Oklahoma Statutes;

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

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

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

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

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

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

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

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

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

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 840-1.6B of Title 74, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Office of Personnel Management shall contract with a
20 private vendor to conduct a comprehensive compensation survey of all
21 classifications, classified and unclassified, in state government,
22 utilizing a total compensation approach.

23 B. The Office of Personnel Management shall develop a request
24 for information and select the vendor that will conduct the market

1 survey. The survey results shall be compiled by the Office of
2 Personnel Management.

3 C. After compiling the results of the market survey, the Office
4 of Personnel Management shall prepare a report that shall include a
5 comprehensive proposal to bring all positions in state government to
6 comparable private market salary levels within three (3) years of
7 the date of the report. The report shall be forwarded to the
8 Oklahoma Compensation and Classification Review Board. The Board
9 shall review the report and adopt or revise the report and submit it
10 to the Governor, the President Pro Tempore of the Senate and the
11 Speaker of the House of Representatives by February 1, 2010.

12 SECTION 4. This act shall become effective July 1, 2009.

13 SECTION 5. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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