

1 ENGROSSED SENATE
2 BILL NO. 1046

By: Newberry of the Senate

and

McCullough of the House

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7 An Act relating to state employees; amending 74 O.S.
8 2011, Section 840-3.1, which relates to supervisor
9 training programs; requiring employees to complete
10 certain training within certain time period;
11 requiring certain employees to repeat training during
12 certain time period; updating reference to certain
13 agency; requiring notice to state agencies regarding
14 compliance with certain training requirements;
15 authorizing private entities to provide certain
16 training; authorizing administrative fines for
17 noncompliance; requiring report; amending 74 O.S.
18 2011, Section 840-4.13, which relates to the Oklahoma
19 Personnel Act; authorizing certain additional
20 probationary period for certain classified employees;
21 prohibiting certain appeal process; amending 74 O.S.
22 2011, Section 841.30, which relates to the Oklahoma
23 Compensation and Unclassified Positions Review Board;
24 requiring Board to meet annually; requiring Board to
consider increase in certain employee positions;
requiring Board to review certain legislation;
requiring certain legislation be referred to Board
for review; providing for codification; and providing
an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-3.1, is
amended to read as follows:

1 Section 840-3.1 A. Each supervisor employed ~~as of January 1,~~
2 ~~1993,~~ by a state agency, board or commission in the executive branch
3 of state government, excluding those within The Oklahoma State
4 System of Higher Education, shall attend, ~~prior to December 31,~~
5 ~~1993,~~ a training program for supervisory personnel. The training
6 program shall be established pursuant to subsection C of this
7 section.

8 B. Employees appointed to supervisory positions ~~after January~~
9 ~~1, 1993,~~ shall complete twenty-four (24) hours of training pursuant
10 to subsection C of this section and training courses in State of
11 Oklahoma management processes and progressive discipline as provided
12 by or approved by the Office of State Finance within twelve (12)
13 months of assuming such supervisory position. Thereafter,
14 supervisors are required to complete twelve (12) hours of training
15 pursuant to subsection C of this section each year and shall further
16 complete training courses in State of Oklahoma management processes
17 and progressive discipline each thirty-six (36) months. The
18 appointing authority of each agency shall ensure each supervisory
19 employee is notified and scheduled to attend such required training
20 and shall make time available for each such employee to complete the
21 training.

22 C. 1. The Administrator of the Office of ~~Personnel Management~~
23 State Finance shall promulgate any rules necessary to develop and
24 implement training programs for supervisory personnel which shall

1 include courses related to the effective performance of an agency
2 manager or supervisor. ~~Rules authorized by this subsection shall~~
3 ~~require supervisors to attend such training within a reasonable~~
4 ~~period of time determined by the Administrator.~~

5 2. Training programs for supervisors under this section may be
6 approved by the Office of ~~Personnel Management~~ State Finance;
7 provided, however, such programs shall be subject to standards
8 developed by the Office of ~~Personnel Management~~ State Finance. All
9 state agencies, boards and commissions may participate in any such
10 government employee training program established by a private entity
11 or an institution that is a member of The Oklahoma State System of
12 Higher Education and approved by the Office of ~~Personnel Management~~
13 State Finance as provided for in this paragraph.

14 D. By January 1 of each year, the Office of State Finance shall
15 notify agencies of the method for reporting their level of
16 compliance with these requirements for the previous calendar year.
17 The Office of State Finance may assess fines to agencies for not
18 complying with subsections A through D of this section. Such fines
19 shall not exceed One Hundred Dollars (\$100.00) per supervisor.
20 Agencies may petition for the fine to be waived in extenuating
21 circumstances. The Office of State Finance shall provide a summary
22 of the reports to the Governor, the President Pro Tempore of the
23 Senate and Speaker of the House of Representatives.

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1 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-4.13, is
2 amended to read as follows:

3 Section 840-4.13. A. Based upon the results of competitive
4 entrance examinations and registers, as provided by the Oklahoma
5 Personnel Act, the Administrator of the Office of ~~Personnel~~
6 ~~Management~~ State Finance shall certify to the appointing authority
7 the names of the ten persons receiving the highest grade or score in
8 said examinations plus all eligible applicants whose grade or score
9 is tied with the lowest ranking of those so eligible.

10 B. In addition to establishing statewide registers pursuant to
11 subsection A of this section, the Administrator is hereby authorized
12 to promulgate rules creating a local register to fill a vacancy in a
13 local office of an agency by providing a certificate of available
14 names of eligible persons who are residents of the county where the
15 local office is located or ~~said~~ the county and adjacent counties or
16 a group of contiguous counties comprising a service area of an
17 agency. Available eligible residents shall be certified ahead of
18 other available eligible persons who reside outside the area of the
19 local register. In filling vacant positions, the appointing
20 authority shall select any one of the persons whose names have been
21 so certified and may give preference in all cases to persons who
22 have resided in this state for at least one (1) year prior to the
23 date of the examination. Provided, however, that any appointing
24 authority authorized to employ persons who are not citizens of the

1 United States, pursuant to Section 255 of this title, may request
2 the Office to certify only the names of persons who are citizens of
3 the United States in carrying out the provisions of this section;
4 and such appointing authority may select any person so certified to
5 the Administrator to fill such vacant positions even though a
6 noncitizen may have received a higher grade on the examination.
7 Provided, further, that any appointing authority may select special
8 disabled veterans considered for employment pursuant to Sections 401
9 through 404 of Title 72 of the Oklahoma Statutes. The Department of
10 Public Safety, in filling vacancies for Highway Patrol Cadets, may
11 disqualify any eligible whose name has been certified for Highway
12 Patrol Cadet pursuant to subsection A of this section, if the
13 Department of Public Safety considers the eligible in connection
14 with the hiring of three other eligibles pursuant to subsection A of
15 this section from that certificate. The name of such disqualified
16 eligible shall be omitted from further certification to, and
17 consideration by, the Department of Public Safety for appointment as
18 a Highway Patrol Cadet to the Highway Patrol Academy for which
19 vacancies are being filled. Such disqualification shall neither
20 deprive any person of any preference pursuant to paragraph 3 of
21 subsection A of Section 840-4.14 of this title nor deprive any
22 person from certification to, and consideration by, the Department
23 of Public Safety for appointment as a Highway Patrol Cadet to a
24 subsequent Highway Patrol Academy. The Department of Public Safety

1 shall provide written notice of the disqualification to the Office
2 of ~~Personnel Management~~ State Finance. The Department of
3 Corrections, in filling vacancies for Correctional Officer Cadets
4 and Probation and Parole Officers, may disqualify any eligible whose
5 name has been certified for Correctional Officer Cadet or Probation
6 and Parole Officer, pursuant to subsection A of this section, if the
7 Department of Corrections considers the eligible in connection with
8 the hiring of three other eligibles pursuant to subsection A of this
9 section from that or any other certificate. The name of such
10 disqualified eligible shall be omitted from future certification to,
11 and consideration by, the Department of Corrections for appointment
12 as a Correctional Officer Cadet or Probation and Parole Officer for
13 a period of six (6) months, at which time the eligible may request
14 restoration to the register by the Office of ~~Personnel Management~~
15 State Finance. Such disqualification shall not deprive any person
16 of any preference pursuant to paragraph 3 of subsection A of Section
17 840-4.14 of this title. The Department of Corrections shall provide
18 written notice of the disqualification to the Office of ~~Personnel~~
19 ~~Management~~ State Finance.

20 C. Agencies may fill positions requiring professional practice
21 licensure and hard-to-fill positions pursuant to authorization by
22 the Administrator without regard to subsections A and B of this
23 section. The Administrator shall promulgate rules to authorize
24 agencies to fill positions directly, pursuant to this subsection.

1 Such rules shall include criteria for identifying professional
2 practice licensure positions and hard-to-fill positions which shall
3 not require establishment of an employment list of eligible persons
4 or the application of veterans preference. The Administrator shall
5 monitor appointments made by agencies pursuant to this subsection
6 and shall establish recordkeeping and reporting procedures and the
7 conditions under which the Administrator may withdraw authorization
8 for agencies to directly hire persons into hard-to-fill positions.
9 Nothing in this subsection shall be construed to waive any
10 requirement for any job or position established by statute or the
11 Administrator.

12 D. Every person, except as provided in subsection E and F of
13 this section, upon initial appointment under the classified service,
14 shall be appointed for a probationary period of one (1) year, except
15 that the appointing authority may waive in writing the remainder of
16 the probationary period at any time after a probationary employee
17 has served six (6) months; provided, however, that the employee and
18 the Administrator of the Office of ~~Personnel Management~~ State
19 Finance shall be notified in writing as to such action and the
20 reason therefor. The probationary appointment of any person may be
21 terminated at any time during the probationary period without the
22 right of appeal. At the close of the probationary period, as herein
23 provided, ~~said~~ the person shall acquire a permanent status under the
24 conditions prescribed in the Oklahoma Personnel Act.

1 E. At the end of the initial one-year probationary period as
2 provided in subsection D of this section, if a classified employee
3 is subject to a corrective action plan as provided by merit rule,
4 the appointing authority may allow the employee an additional six-
5 month probationary period and, at the end of this period if the
6 employee is still subject to a corrective action plan, the
7 appointing authority may allow a subsequent six-month probationary
8 period for a total additional probationary period not to exceed
9 twelve (12) months. During the extended probationary period the
10 employee, if terminated by the appointing authority, may exercise
11 their right of appeal only at the agency level and shall not be
12 authorized to appeal to the Merit Protection Commission.

13 F. Every person initially appointed under the classified
14 service as an agent of the Alcoholic Beverage Laws Enforcement
15 Commission shall be appointed for a probationary period of one (1)
16 year.

17 ~~F.~~ G. In working with appointing authorities in determining
18 minimum qualifications for a position, the Administrator of the
19 Office of Personnel Management shall require an appointing authority
20 to justify in writing any reasons for excluding from consideration
21 relevant public or private sector experience applicable to the
22 position.

23 SECTION 3. AMENDATORY 74 O.S. 2011, Section 841.30, is
24 amended to read as follows:

1 Section 841.30. A. There is hereby created the Oklahoma
2 Compensation and Unclassified Positions Review Board.

3 B. The Oklahoma Compensation and Unclassified Positions Review
4 Board shall be composed of the following seven (7) members:

5 1. Two members of the Oklahoma Senate appointed by the
6 President Pro Tempore of the Senate;

7 2. Two members of the Oklahoma House of Representatives
8 appointed by the Speaker of the House of Representatives;

9 3. Two members appointed by the Governor, one to be from a
10 state agency with five hundred (500) or more employees and the other
11 to be from a state agency with fewer than five hundred (500)
12 employees; and

13 4. The chief executive officer of the largest organization in
14 the state that represents state employees, or a designee.

15 C. After the initial appointments, the members shall serve
16 four-year terms, and the appointing authorities may fill any
17 vacancies as they occur. ~~The term of the members appointed by the~~
18 ~~President Pro Tempore of the Senate shall expire July 1, 2004. The~~
19 ~~term of the members appointed by the Speaker of the House of~~
20 ~~Representatives shall expire July 1, 2005. The term of the members~~
21 ~~appointed by the Governor shall expire July 1, 2006. The term of~~
22 ~~the members appointed by the largest organization in the state that~~
23 ~~represents state employees shall expire July 1, 2007.~~

24 D. The Board shall elect one of its members as chair.

1 E. The Board shall review the study of the Office of ~~Personnel~~
2 ~~Management~~ State Finance, as required by paragraph 19 of Section
3 840-1.6A of this title, and make recommendations which may include
4 compensation adjustments, pay band adjustments, targeted salary
5 increases, and other recommendations related to turnover, fringe
6 benefits and other compensation issues concerning state employees,
7 but excluding retirement issues. The recommendations shall be made
8 to the President Pro Tempore of the Senate, Speaker of the House of
9 Representatives, and Governor on or before February 1 of the year
10 following each biennial meeting.

11 F. The Board shall meet in December 2005 ~~and in December of~~
12 ~~every odd-numbered year thereafter~~ to consider compensation
13 ~~recommendations. The Board shall meet every year to consider and~~
14 unclassified positions recommendations. Any additional meetings
15 shall be at the call of the chair.

16 G. The Board shall review and make recommendations concerning
17 the unclassified service as follows:

18 1. State agencies subject to the provisions of the Merit System
19 of Personnel Administration shall submit requests to the
20 Administrator of the Office of ~~Personnel Management~~ State Finance
21 for authorizations for unclassified positions, any increase in
22 unclassified positions, and employees that are in addition to
23 unclassified positions already authorized by law. The Administrator
24 shall forward the requests to the Board. The Administrator shall

1 review, analyze, and provide recommendations to the Board regarding
2 the requests. The Board shall meet in December of each year and
3 shall review any agency proposals to add unclassified positions to
4 the state service. A representative from each appointing authority
5 of a state agency that desires to add unclassified positions shall
6 attend the meeting and present the proposal of the agency. The
7 Board shall also review positions currently in the unclassified
8 service. The Administrator of the Office of ~~Personnel Management~~
9 State Finance shall review and analyze such positions and provide
10 recommendations to the Board. The Board may request the presence of
11 state agency representatives to provide information concerning such
12 positions.

13 2. On or before February 1 of each year, the Board shall
14 present any recommendations to the President Pro Tempore of the
15 State Senate and the Speaker of the Oklahoma House of
16 Representatives concerning current positions in the unclassified
17 service and agency proposals to add unclassified positions.

18 3. The Board may also meet during the regular session of the
19 Legislature to consider any additional requests to add unclassified
20 positions to the state service submitted pursuant to this
21 subsection.

22 H. A majority of the members of the Board shall constitute a
23 quorum for the transaction of business. Each Board member shall be
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1 entitled to one vote on the Board. Any official action of the Board
2 must have a majority of the votes of the members present.

3 I. Each member of the Board shall serve without compensation
4 except that each legislative member of the Board shall receive
5 reimbursement for travel expenses in accordance with Section 456 of
6 this title and each nonlegislative member of the Board shall receive
7 reimbursement for travel expenses in accordance with the State
8 Travel Reimbursement Act by the Office of ~~Personnel Management~~ State
9 Finance.

10 J. Staffing for the Board shall be composed of the Office of
11 ~~Personnel Management~~ State Finance, Oklahoma Senate staff, and
12 Oklahoma House of Representatives staff as needed.

13 SECTION 4. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 841.31 of Title, unless there is
15 created a duplication in numbering, reads as follows:

16 Any legislation authored by a member of the Senate or the House
17 of Representatives amending the Oklahoma Personnel Act may be
18 introduced in the first session of any Legislature according to the
19 applicable deadlines established by each body. Such measure shall
20 be referred to the Oklahoma Compensation and Unclassified Positions
21 Review Board for review and analysis and the measure may be further
22 acted upon by either or both bodies of the Legislature in accordance
23 with applicable deadlines during the regular legislative session the
24 following year.

