

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1985

By: Hoskin

4
5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 840-4.14, as amended by Section 1,
9 Chapter 81, O.S.L. 2004 (74 O.S. Supp. 2010, Section
10 840-4.14), which relates to the Oklahoma Personnel
11 Act; providing preference for certain persons; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-4.14, as
15 amended by Section 1, Chapter 81, O.S.L. 2004 (74 O.S. Supp. 2010,
16 Section 840-4.14), is amended to read as follows:

17 Section 840-4.14 A. In establishing employment lists of
18 eligible persons for competitive and noncompetitive appointment,
19 certain preferences shall be allowed for honorably discharged
20 veterans as defined by Section 67.13a and Section 67.13b of Title 72
21 of the Oklahoma Statutes. In determination of the register rank:

22 1. Five points shall be added to the final grade of any person
23 who has passed the examination and has submitted proof of having
24 status as a veteran or unremarried surviving spouse of a veteran;

1 2. Five points shall be added to the final grade of any person
2 who has passed the examination and has submitted proof of having
3 status as a spouse of a veteran who is unemployable due to a
4 service-connected disability as certified by the Veterans
5 Administration or agency of the Defense Department within six (6)
6 months of date of application; and

7 3. Five points shall be added to the final grade of any person
8 who has passed the examination and has submitted proof of having
9 status as a spouse of a person killed in action, or died as a result
10 of injuries sustained, while on active duty in the armed forces of
11 the United States, as certified by the Veterans Administration or
12 agency of the Defense Department within six (6) months of date of
13 application; and

14 4. Ten points shall be added to the final grade of any veteran
15 who has passed the examination and has submitted proof of having a
16 service-connected disability as certified by the Veterans
17 Administration or agency of the Defense Department within six (6)
18 months of date of application. Such veterans' names shall be placed
19 at the top of the register in accordance with their numerical rating
20 if in receipt of benefits payable at the rate of thirty percent
21 (30%) or more and such veterans shall not be denied employment and
22 passed over for other veterans or nonveterans, without showing
23 cause. Acceptable cause shall include a reasonable expectation of
24 the inability of the preferenced applicant to satisfactorily perform

1 at the required level of the position and shall be reviewed in each
2 instance by the Administrator of the Office of Personnel Management.
3 If the Administrator finds that acceptable cause for the denial of
4 employment to the preferenced applicant does not exist, the
5 appointing authority shall be required to hire the preferenced
6 applicant. The position shall not be permanently filled until the
7 Administrator has issued his findings.

8 B. War veterans, as defined by Section 67.13a of Title 72 of
9 the Oklahoma Statutes, who have been awarded the Purple Heart or
10 have a service-incurred disability rated by the Veterans
11 Administration or a branch of the Armed Forces of the United States
12 and who have been a resident of Oklahoma for at least one (1) year
13 prior to the date of the examination, shall be authorized to open
14 any closed register established by the Merit System of Personnel
15 Administration.

16 C. Subsection A of this section shall not apply to special
17 disabled veterans who are considered for employment under the
18 provisions of Sections 401 through 404 of Title 72 of the Oklahoma
19 Statutes. Provided, said veterans may elect instead to be
20 considered for employment according to the procedures set out in
21 this section.

22 SECTION 2. This act shall become effective November 1, 2011.

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24 53-1-5686 LRB 01/03/11