

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2246

By: Tibbs

4  
5  
6 AS INTRODUCED

7  
8 An Act relating to state government; amending 74 O.S.  
9 2011, Sections 150.34, 150.38 and 152.10, which  
10 relate to investigative functions of the Oklahoma  
11 State Bureau of Investigation; modifying employee  
12 positions within the Oklahoma State Bureau of  
13 Investigation; deleting employment qualifications for  
14 certain investigators and interviewers; amending 74  
15 O.S. 2011, Section 840-5.5, which relates to  
16 unclassified service positions; modifying  
17 unclassified service positions of the Oklahoma State  
18 Bureau of Investigation; repealing 74 O.S. 2011,  
19 Section 150.38a, which relates to the employment and  
20 duties of child forensic interviewers of the Oklahoma  
21 State Bureau of Investigation; and providing an  
22 effective date.

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

24 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.34, is  
amended to read as follows:

Section 150.34 Of the full-time-equivalent employees authorized  
for the Oklahoma State Bureau of Investigation, one ~~senior agent~~  
employee shall be employed for the purpose of conducting judicial  
background investigations requested by the Judicial Nominating

1 Commission. When not conducting investigations for the Judicial  
2 Nominating Commission, the ~~senior agent~~ employee may be involved in  
3 investigations as requested by the Council on Judicial Complaints  
4 and in other investigations as deemed appropriate by the Director of  
5 the Oklahoma State Bureau of Investigation; provided, however, the  
6 first priority of the ~~agent~~ employee will be to respond to requests  
7 of the Commission.

8 SECTION 2. AMENDATORY 74 O.S. 2011, Section 150.38, is  
9 amended to read as follows:

10 Section 150.38 ~~A.~~ Subject to the availability of funds, there  
11 is hereby established within the Oklahoma State Bureau of  
12 Investigation the Child Abuse Response Team (CART) for the purpose  
13 of investigating cases of physical and sexual abuse of a child. ~~For~~  
14 ~~the purpose of implementing CART, the Bureau shall employ at least~~  
15 ~~one Child Abuse Response Team (CART) investigator and at least one~~  
16 ~~Child Abuse Response Team (CART) forensic interviewer which shall be~~  
17 ~~full-time equivalent positions within the Bureau compensated at the~~  
18 ~~same pay rate as a senior level investigator agent.~~

19 ~~B. In addition to any other law or rule specifying requirements~~  
20 ~~or qualifications for an OSBI agent to be employed by the Bureau,~~  
21 ~~the Child Abuse Response Team employees shall be qualified for the~~  
22 ~~respective positions as follows:~~

23 1. ~~Every CART investigator shall:~~  
24

- 1           a. ~~have at least five (5) years' experience as a law~~  
2           ~~enforcement officer or criminal investigator in a law~~  
3           ~~enforcement agency or agencies with preference given~~  
4           ~~to additional years in law enforcement,~~
- 5           b. ~~be currently certified as a peace officer by the~~  
6           ~~Council on Law Enforcement Education and Training~~  
7           ~~(CLEET),~~
- 8           c. ~~have served as the primary criminal investigative~~  
9           ~~officer in a law enforcement agency or agencies with~~  
10           ~~experience as the primary investigative officer on at~~  
11           ~~least five hundred cases of physical or sexual abuse~~  
12           ~~of a child,~~
- 13           d. ~~have graduated from an accredited college or~~  
14           ~~university with a bachelor degree with preference~~  
15           ~~given to a post-graduate degree, and~~
- 16           e. ~~be not currently employed by the Oklahoma State Bureau~~  
17           ~~of Investigation, nor employed by such agency within~~  
18           ~~the previous six (6) months immediately preceding an~~  
19           ~~application for the position of CART investigator.~~

20       2. ~~Every CART forensic interviewer shall:~~

- 21           a. ~~have experience in conducting forensic interviews and~~  
22           ~~shall have conducted a minimum of five hundred child~~  
23           ~~forensic interviews in cases of physical or sexual~~  
24           ~~abuse of a child,~~

- 1           ~~b. have graduated from an accredited college or~~  
2           ~~university with a bachelor degree with preference~~  
3           ~~given to a post-graduate degree,~~
- 4           ~~e. have experience as an expert witness and shall have~~  
5           ~~been certified as an expert witness in cases of~~  
6           ~~physical or sexual abuse of a child in at least~~  
7           ~~twenty-five legal proceedings in a court of competent~~  
8           ~~jurisdiction,~~
- 9           ~~d. have completed at least one hundred (100) hours of~~  
10           ~~education or training on forensic interviewing of a~~  
11           ~~child, and~~
- 12           ~~e. be not currently employed by the Oklahoma State Bureau~~  
13           ~~of Investigation, nor employed by such agency within~~  
14           ~~the previous six (6) months immediately preceding an~~  
15           ~~application for the position of CART forensic~~  
16           ~~interviewer.~~

17           ~~3. If the director of the Oklahoma State Bureau of~~  
18           ~~Investigation is unable to find a person whose qualifications meet~~  
19           ~~or exceed the qualifications specified for the position of CART~~  
20           ~~investigator or CART forensic interviewer, the director is~~  
21           ~~authorized to offer such position to a person whose qualifications~~  
22           ~~substantially meet the qualifications specified for the position.~~

23           ~~C. The Bureau may promulgate rules, procedures and forms~~  
24           ~~necessary to establish and implement the functions of the Child~~

1 ~~Abuse Response Team and to coordinate responsibilities with other~~  
2 ~~persons or agencies having responsibilities relating to child abuse~~  
3 ~~investigation and response to child abuse.~~

4 SECTION 3. AMENDATORY 74 O.S. 2011, Section 152.10, is  
5 amended to read as follows:

6 Section 152.10 The Oklahoma State Bureau of Investigation,  
7 subject to the availability of funds, shall be granted an additional  
8 two full-time-equivalent employees to be employed for the ~~exclusive~~  
9 purpose of conducting oil field theft and fraud investigations  
10 except in cases of emergency.

11 SECTION 4. AMENDATORY 74 O.S. 2011, Section 840-5.5, is  
12 amended to read as follows:

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

16 1. Persons chosen by popular vote or appointment to fill an  
17 elective office, and their employees, except the employees of the  
18 Corporation Commission, the State Department of Education and the  
19 Department of Labor;

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

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

24

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

6       5. All officers and employees of The Oklahoma State System of  
7 Higher Education, State Board of Education and Oklahoma Department  
8 of Career and Technology Education;

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

18       7. Election officials and employees;

19       8. Temporary employees employed to work less than one thousand  
20 (1,000) hours in any twelve-month period, and seasonal employees  
21 employed by the Oklahoma Tourism and Recreation Department pursuant  
22 to Section 2241 of this title who work less than one thousand six  
23 hundred (1,600) hours in any twelve-month period;

1           9. Department of Public Safety employees occupying the  
2 following offices or positions:

- 3           a. administrative aides to the Commissioner,
- 4           b. executive secretaries to the Commissioner,
- 5           c. the Governor's representative of the Oklahoma Highway  
6           Safety Office who shall be appointed by the Governor,
- 7           d. Highway Patrol Colonel,
- 8           e. Highway Patrol Lieutenant Colonel,
- 9           f. Director of Finance,
- 10          g. noncommissioned pilots,
- 11          h. Information Systems Administrator,
- 12          i. Law Enforcement Telecommunications System Specialist,
- 13          j. Director of Driver Compliance,
- 14          k. Director of Transportation Division,
- 15          l. Director of the Oklahoma Highway Safety Office,
- 16          m. Civil Rights Administrator,
- 17          n. Budget Analyst,
- 18          o. Comptroller,
- 19          p. Chaplain,
- 20          q. Helicopter Mechanic,
- 21          r. Director of Safety Compliance,
- 22          s. Human Resources Director,
- 23          t. Administrator of Department Services, and

1           u.    a maximum of seven (7) positions for the purpose of  
2                   administering programs in the Oklahoma Highway Safety  
3                   Office, within full-time employee limitations of the  
4                   Department, employed with federal funding that is  
5                   continuing or indefinitely renewable. The  
6                   authorization for such positions shall be terminated  
7                   if the federal funding for positions is discontinued;  
8 provided, any person appointed to a position prescribed in  
9 subparagraph d or e of this paragraph shall have a right of return  
10 to the classified commissioned position without any loss of rights,  
11 privileges or benefits immediately upon completion of the duties in  
12 the unclassified commissioned position;

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

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

22           a.    an institution of higher learning within The Oklahoma  
23                   State System of Higher Education,  
24

- 1           b.    an institution of higher learning qualified to become  
2                    coordinated with The Oklahoma State System of Higher  
3                    Education. For purposes of this section, a student  
4                    shall be considered a regularly enrolled student if  
5                    the student is enrolled in a minimum of five (5) hours  
6                    of accredited graduate courses or a minimum of ten  
7                    (10) hours of accredited undergraduate courses,  
8                    provided, however, the student shall only be required  
9                    to be enrolled in a minimum of six (6) hours of  
10                   accredited undergraduate courses during the summer, or  
11           c.    high school students regularly enrolled in a high  
12                   school in Oklahoma and regularly attending classes  
13                   during such time of enrollment;

14           12. The spouses of personnel who are employed on a part-time  
15 basis to assist or work as a relief for their spouses in the  
16 Oklahoma Tourism and Recreation Department;

17           13. Service substitute attendants who are needed to replace  
18 museum and site attendants who are unavoidably absent. Service  
19 substitutes may work as part-time or full-time relief for absentees  
20 for a period of not more than four (4) weeks per year in the  
21 Oklahoma Historical Society sites and museums; such substitutes will  
22 not count towards the agency's full-time-equivalent (FTE) employee  
23 limit;

1 14. Employees of the Oklahoma House of Representatives, the  
2 State Senate, or the Legislative Service Bureau;

3 15. Corporation Commission personnel occupying the following  
4 offices and positions:

- 5 a. Administrative aides, and executive secretaries to the  
6 Commissioners,
- 7 b. Directors of all the divisions, personnel managers and  
8 comptrollers,
- 9 c. General Counsel,
- 10 d. Public Utility Division Chief Engineer,
- 11 e. Public Utility Division Chief Accountant,
- 12 f. Public Utility Division Chief Economist,
- 13 g. Public Utility Division Deputy Director,
- 14 h. Secretary of the Commission,
- 15 i. Deputy Conservation Director,
- 16 j. Manager of Pollution Abatement,
- 17 k. Manager of Field Operations,
- 18 l. Manager of Technical Services,
- 19 m. Public Utility Division Chief of Telecommunications,
- 20 n. Director of Information Services,
- 21 o. All Data Processing employees hired on or after  
22 September 1, 2005,
- 23 p. All Public Utilities employees hired on or after  
24 September 1, 2007,

1 q. All Regulatory Program Managers hired on or after  
2 September 1, 2007, and

3 r. All Pipeline Safety Department employees hired on or  
4 after September 1, 2008;

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

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

12 a. Director of Facility,

13 b. Deputy Director for Administration,

14 c. Clinical Services Director,

15 d. Executive Secretary to Director, and

16 e. Directors or Heads of Departments or Services;

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

19 a. State Comptroller,

20 b. Administrative Officers,

21 c. Alternator Claims Auditor,

22 d. Employees hired to fulfill state compliance agency  
23 requirements under Model Tribal Gaming Compacts,

24 e. Employees of the Budget Division,

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

- 1 (20) Portal Manager,  
2 (21) Procurement Specialists,  
3 (22) Security Technicians,  
4 (23) Enterprise Communications and Network  
5 Administrator,  
6 (24) Server Support Specialists,  
7 (25) Senior Server Support Specialists,  
8 (26) Systems Support Specialists,  
9 (27) Senior Systems Support Specialists,  
10 (28) Chief Technology Officer,  
11 (29) Facility Manager,  
12 (30) Application Development Specialists,  
13 (31) Senior Application Development Specialists,  
14 (32) Workstation Specialists,  
15 (33) Senior Workstation Specialists,  
16 (34) Cabling Infrastructure Administration,  
17 (35) Planning Specialists,  
18 (36) Senior Planning Specialists,  
19 (37) Network Specialists,  
20 (38) Senior Network Specialists,  
21 (39) Voice Communication Specialists, and  
22 (40) Senior Voice Communication Specialists;  
23 19. Employees of the Oklahoma Industrial Finance Authority;  
24

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

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

5       22. The following positions and employees of the Oklahoma  
6 School of Science and Mathematics:

- 7           a. positions for which the annual salary is Twenty-four  
8           Thousand One Hundred Ninety-three Dollars (\$24,193.00)  
9           or more, as determined by the Office of Personnel  
10          Management, provided no position shall become  
11          unclassified because of any change in salary or grade  
12          while it is occupied by a classified employee,
- 13          b. positions requiring certification by the State  
14          Department of Education, and
- 15          c. positions and employees authorized to be in the  
16          unclassified service of the state elsewhere in this  
17          section or in subsection B of this section;

18       23. Office of Personnel Management employees occupying the  
19 following positions:

- 20           a. the Carl Albert Internship Program Coordinator,
- 21           b. one Administrative Assistant,
- 22           c. one Workforce Planning Manager,
- 23           d. Assistant Administrators,
- 24           e. one Associate Administrator, and

1 f. Division Directors;

2 24. Department of Labor personnel occupying the following  
3 offices and positions:

4 a. two Deputy Commissioners,

5 b. two Executive Secretaries to the Commissioner,

6 c. Chief of Staff,

7 d. two Administrative Assistants,

8 e. Information Systems Administrator,

9 f. three Safety and Health Directors,

10 g. Research Director,

11 h. Employment Standards Director,

12 i. Asbestos Director,

13 j. General Counsel,

14 k. one Legal Secretary,

15 l. one Docket Clerk, and

16 m. two Information Systems Application Specialists;

17 25. The State Bond Advisor and his or her employees;

18 26. The Oklahoma Employment Security Commission employees  
19 occupying the following positions:

20 a. Associate Director,

21 b. Secretary to the Associate Director, and

22 c. Assistant to the Executive Director;

23 27. Oklahoma Human Rights Commission personnel occupying the  
24 position of Administrative Assistant;

1 28. Officers and employees of the State Banking Department;

2 29. Officers and employees of the University Hospitals

3 Authority except personnel in the state classified service pursuant  
4 to Section 3211 of Title 63 of the Oklahoma Statutes and members of  
5 the University Hospitals Authority Model Personnel System created  
6 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma  
7 Statutes or as otherwise provided for in Section 3213.2 of Title 63  
8 of the Oklahoma Statutes;

9 30. Alcoholic Beverage Laws Enforcement Commission employees  
10 occupying the following positions:

11 a. three Administrative Service Assistant positions,  
12 however, employees in such positions who are in the  
13 unclassified service on June 4, 2003, may make an  
14 election to be in the classified service without a  
15 loss in salary by September 1, 2003, and

16 b. the Deputy Director position in addition to the one  
17 authorized by paragraph 2 of this subsection;

18 31. The Oklahoma State Bureau of Investigation employees  
19 occupying the following positions:

20 a. five assistant directors,

21 b. ~~six~~ eight special investigators,

22 c. one information representative,

23 d. one federally funded physical evidence technician,

24 e. four federally funded laboratory analysts,

- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency,
- g. one executive secretary in addition to the one executive secretary authorized pursuant to paragraph 2 of this subsection, and
- ~~h. Child Abuse Response Team (CART) investigator,~~
- ~~i. Child Abuse Response Team (CART) forensic interviewer,~~
- ~~and~~
- ~~j.~~ nine administration and research positions and five data processing and information technology positions transferred from the Criminal Justice Resource Center pursuant to Section 150.17a of this title;

32. The Department of Transportation, the following positions:

- a. Director of the Oklahoma Aeronautics Commission,
- 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,
- i. one Information Systems Specialist position,
- j. Director of Communications,
- k. Director of Royalty Compliance,
- l. Director of Mineral Management,
- m. Director of Accounting,
- n. Chief of Staff,
- o. First Assistant Secretary,
- p. Director of Real Estate Management,
- q. one executive secretary,
- r. one legal secretary, and
- s. one legal assistant;

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,

- o. eight construction consultants assigned to the Construction and Properties Division,
- p. one attorney assigned to the Construction and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information Technology Manager, one Applications Specialist and one Data Planning Specialist,
- r. four positions assigned to Fleet Management, which shall include one Deputy Fleet Manager and three Management Analysts,
- s. one Chief Auditor,
- t. one Assistant Director of Central Purchasing Division,
- u. one Professional Errors and Omissions Liability Adjuster,
- v. three Strategic Sourcing Managers,
- w. three Strategic Sourcing Assistant Managers, and
- x. two Printing Services Brokers;

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

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

1           39. J.D. McCarty Center for Children with Developmental  
2 Disabilities personnel occupying the following offices and  
3 positions:

- 4           a. Physical Therapists,
- 5           b. Physical Therapist Assistants,
- 6           c. Occupational Therapists,
- 7           d. Certified Occupational Therapist Aides, and
- 8           e. Speech Pathologists;

9           40. The Development Officer, the Director of the State Museum  
10 of History and the Cherokee Strip Regional Heritage Center Director  
11 within the Oklahoma Historical Society;

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

- 14           a. one Executive Secretary in addition to the Executive  
15           Secretary authorized by paragraph 2 of this subsection  
16           and one Executive Assistant,
- 17           b. nineteen Agricultural Marketing Coordinator III  
18           positions,
- 19           c. temporary fire suppression personnel, regardless of  
20           the number of hours worked, who are employed by the  
21           Oklahoma Department of Agriculture, Food, and  
22           Forestry; provided, however, notwithstanding the  
23           provisions of any other section of law, the hours  
24           worked by such employees shall not entitle such

1 employees to any benefits received by full-time  
2 employees,

- 3 d. one Information Technology Specialist,
- 4 e. one Director of Administrative Services,
- 5 f. one Water Quality Consumer Complaint Coordinator,
- 6 g. one hydrologist position,
- 7 h. Public Information Office Director,
- 8 i. one Information Technology Technician,
- 9 j. Legal Services Director,
- 10 k. Animal Industry Services Director,
- 11 l. Agricultural Environmental Management Services  
12 Director,
- 13 m. Forestry Services Director,
- 14 n. Plant Industry and Consumer Services Director,
- 15 o. one Grants Administrator position,
- 16 p. Director of Laboratory Services,
- 17 q. Chief of Communications,
- 18 r. Public Information Manager,
- 19 s. Inventory/Supply Officer,
- 20 t. five Agriculture Field Inspector positions assigned  
21 the responsibility for conducting inspections and  
22 audits of agricultural grain storage warehouses. All  
23 other Agriculture Field Inspector positions and  
24 employees of the Oklahoma Department of Agriculture,

1 Food, and Forestry shall be classified and subject to  
2 the provisions of the Merit System of Personnel  
3 Administration. On November 1, 2002, all other  
4 unclassified Agriculture Field Inspectors shall be  
5 given status in the classified service as provided in  
6 Section 840-4.2 of this title,

- 7 u. Rural Fire Coordinator,
- 8 v. one Agricultural Marketing Coordinator I,
- 9 w. Food Safety Division Director,
- 10 x. two Environmental Program Specialists,
- 11 y. two Scale Technicians,
- 12 z. two Plant Protection Specialists, and
- 13 aa. Chief Agent;

14 42. The Contracts Administrator within the Oklahoma State  
15 Employees Benefits Council;

16 43. The Development Officer within the Oklahoma Department of  
17 Libraries;

18 44. Oklahoma Real Estate Commission personnel occupying the  
19 following offices and positions:

- 20 a. Educational Program Director, and
- 21 b. Data Processing Manager;

22 45. A Chief Consumer Credit Examiner for the Department of  
23 Consumer Credit;

1 46. All officers and employees of the Oklahoma Capitol Complex  
2 and Centennial Commemoration Commission;

3 47. All officers and employees of the Oklahoma Motor Vehicle  
4 Commission;

5 48. One Museum Archivist of The Will Rogers Memorial  
6 Commission;

7 49. One Fire Protection Engineer of the Office of the State  
8 Fire Marshal;

9 50. Acting incumbents employed pursuant to Section 209 of Title  
10 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not  
11 be included in any limitation on full-time equivalency imposed by  
12 law on an agency. Permanent classified employees may request a  
13 leave of absence from classified status and accept an unclassified  
14 appointment and compensation as an acting incumbent with the same  
15 agency; provided, the leave shall expire no later than two (2) years  
16 from the date of the acting incumbent appointment. An appointing  
17 authority may establish unclassified positions and appoint  
18 unclassified employees to perform the duties of a permanent  
19 classified employee who is on leave of absence from a classified  
20 position to serve as an acting incumbent. All unclassified  
21 appointments created pursuant to this paragraph shall expire no  
22 later than two (2) years from the date of appointment. Classified  
23 employees accepting unclassified appointments and compensation  
24 pursuant to this paragraph shall be entitled to participate without

1 interruption in any benefit programs available to classified  
2 employees, including retirement and insurance programs. Immediately  
3 upon termination of an unclassified appointment pursuant to this  
4 paragraph, an employee on assignment from the classified service  
5 shall have a right to be restored to the classified service and  
6 reinstated to the former job family level and compensation plus any  
7 adjustments and increases in salary or benefits which the employee  
8 would have received but for the leave of absence;

9       51. The Oklahoma Homeland Security Director and all other  
10 positions assigned the responsibilities of working in the Oklahoma  
11 Office of Homeland Security;

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

- 14           a. one surveillance supervisor,
- 15           b. one surveillance project monitor,
- 16           c. two bilingual interviewers,
- 17           d. eight senior interviewers, and
- 18           e. six interviewers;

19       53. State Board of Licensure for Professional Engineers and  
20 Land Surveyors personnel occupying the following offices and  
21 positions:

- 22           a. one Director of Enforcement, and
- 23           b. two Board Investigators;

24

1       54. One Information Systems Data Management Analyst of the  
2 State and Education Employees Group Insurance Board;

3       55. Two Management Information Systems positions of the Office  
4 of Juvenile Affairs; and

5       56. Heads of agencies, principal assistants or deputies and  
6 executive secretaries of an agency that is consolidated into another  
7 agency.

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

11       1. Licensed medical doctors, osteopathic physicians, dentists,  
12 psychologists, and nurses;

13       2. Certified public accountants;

14       3. Licensed attorneys;

15       4. Licensed veterinarians; and

16       5. Licensed pharmacists.

17       C. Effective July 1, 1996, authorization for unclassified  
18 offices, positions, or personnel contained in a bill or joint  
19 resolution shall terminate June 30 of the ensuing fiscal year after  
20 the authorization unless the authorization is codified in the  
21 Oklahoma Statutes or the termination is otherwise provided in the  
22 legislation.

23       D. The appointing authority of agencies participating in the  
24 statewide information systems project may establish unclassified

1 positions and appoint unclassified employees to the project as  
2 needed. Additional unclassified positions may be established, if  
3 required, to appoint an unclassified employee to perform the duties  
4 of a permanent classified employee who is temporarily absent from a  
5 classified position as a result of assignment to this project. All  
6 unclassified appointments under this authority shall expire no later  
7 than December 31, 2007, and all unclassified positions established  
8 to support the project shall be abolished. Both the positions and  
9 appointments resulting from this authority shall be exempt from any  
10 agency FTE limitations and any limits imposed on the number of  
11 unclassified positions authorized. Permanent classified employees  
12 may request a leave of absence from classified status and accept an  
13 unclassified appointment and compensation with the same agency under  
14 the provisions of this subsection; provided, the leave shall expire  
15 no later than December 31, 2007. Employees accepting the  
16 appointment and compensation shall be entitled to participate  
17 without interruption in any benefit programs available to classified  
18 employees, including retirement and insurance programs. Immediately  
19 upon termination of an unclassified appointment pursuant to this  
20 subsection, an employee on assignment from the classified service  
21 shall have a right to be restored to the classified service and  
22 reinstated to the former job family level and compensation plus any  
23 adjustments and increases in salary or benefits which the employee  
24 would have received but for the leave of absence.

1 SECTION 5. REPEALER 74 O.S. 2011, Section 150.38a, is  
2 hereby repealed.

3 SECTION 6. This act shall become effective November 1, 2012.

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5 53-2-7985 GRS 12/28/11

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