

OKLAHOMA STATE SENATE
JOINT

COMMITTEE REPORT

May 21, 2012

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB 1974

By: Jolley of the Senate and Sears of the House

Title: State employees; clarifying reference. Effective date.

Co-Authored By:

Recommendation: **DO PASS AS AMENDED**

Aye: Branam, Brinkley, David, Ford, Griffin, Marlatt, Nichols, Stanislawski, Sykes,
Justice, Jolley

Nay: Wilson

Pass:



Senator Clark Jolley, Chair

Amendments:

1. Committee Substitute Attached.

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

JOINT APPROPRIATIONS AND BUDGET COMMITTEE

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Jolley et al of the Senate

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Amendments:

1. Committee Substitute Attached



Chr.
Representative Earl Sears

YEAS: 12

Armes, Dank, Dorman, Nelson, Billy, Denney, Liebmann, Peters, Cox, DeWitt, Martin,, Sc, Sears

NAYS: 3

Blackwell, Brown, McPeak

CONSTITUTIONAL PRIVILEGE: 0

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1974

6 By: Jolley and Justice of the
7 Senate

8 and

9 Sears and Martin (Scott) of
10 the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to state government personnel;
13 amending 56 O.S. 2011, Section 26.17, which relates
14 to classification of employees of the Department of
15 Human Services; modifying number of employees
16 authorized to be in the unclassified service;
17 amending 74 O.S. 2011, Section 840-5.5, which relates
18 to unclassified service; adding certain unclassified
19 positions; amending 74 O.S. 2011, Section 840-5.12,
20 which relates to employees of the State Department of
21 Rehabilitation Services; modifying number of certain
22 unclassified positions; amending 74 O.S. 2011,
23 Section 840-5.24, which relates to classification of
24 employees of the State Election Board; adding
unclassified positions; amending 74 O.S. 2011,
Section 2242, which relates to unclassified employees
of the Oklahoma Tourism and Recreation Department;
modifying number of unclassified positions; providing
an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, is
amended to read as follows:

1 Section 26.17. A. The Director of Human Services, subject to
2 the approval of the Commission for Human Services, shall have the
3 power to employ and fix the qualifications, duties and compensation
4 of employees necessary to the fulfillment of the provisions of this
5 act, and shall have the power to approve any legal claim for
6 payment.

7 B. The Department of Human Services shall be a Merit System
8 agency. The provisions of this section shall supersede and revoke
9 any and all Executive Orders placing the Department of Human
10 Services or its predecessors under the provisions of the Merit
11 System of Personnel Administration.

12 C. In addition to offices, positions, and personnel in the
13 unclassified service pursuant to Sections 840-5.3 and 840-5.5 of
14 Title 74 of the Oklahoma Statutes, the following offices, positions,
15 and personnel shall be in the unclassified service:

16 1. Campus police appointed pursuant to Section 162.2 of this
17 title;

18 2. The legal division or unit established pursuant to Section
19 236 of this title;

20 3. The Construction Unit and the Architectural and Engineering
21 Unit or their successor units; and

22 4. A maximum of ~~five percent (5%)~~ seven percent (7%) of the
23 maximum number of full-time-equivalent positions authorized by law
24 to the Department of Human Services and selected at the discretion

1 of the Director of the Department of Human Services. Employees
2 retained in the unclassified service under the provisions of this
3 section shall be employees at will. Any classified employee
4 occupying a position selected by the Director pursuant to this
5 paragraph to become an unclassified position may elect to retain
6 classified status. All future appointees to such position shall be
7 in the unclassified service. The Director shall submit a list of
8 such positions to the Office of Personnel Management by September 1,
9 2004, and annually thereafter.

10 D. All other offices, positions and personnel of the Department
11 of Human Services shall be classified and subject to the provisions
12 of the Merit System of Personnel Administration, as provided in the
13 Oklahoma Personnel Act and rules promulgated thereunder.

14 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-5.5, is
15 amended to read as follows:

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

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

23

24

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:
24

- 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
24

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,
- 12 (27) Senior Systems Support Specialists,
- 13 (28) Chief Technology Officer,
- 14 (29) Facility Manager,
- 15 (30) Application Development Specialists,
- 16 (31) Senior Application Development Specialists,
- 17 (32) Workstation Specialists,
- 18 (33) Senior Workstation Specialists,
- 19 (34) Cabling Infrastructure Administration,
- 20 (35) Planning Specialists,
- 21 (36) Senior Planning Specialists,
- 22 (37) Network Specialists,
- 23 (38) Senior Network Specialists,
- 24 (39) Voice Communication Specialists, and

- 1 (40) Senior Voice Communication Specialists,
- 2 (41) Information Systems Operations Specialists, and
- 3 (42) Public Information Officer;

4 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

9 22. The following positions and employees of the Oklahoma
10 School of Science and Mathematics:

11 a. positions for which the annual salary is Twenty-four
12 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
13 or more, as determined by the Office of Personnel
14 Management, provided no position shall become
15 unclassified because of any change in salary or grade
16 while it is occupied by a classified employee,

17 b. positions requiring certification by the State
18 Department of Education, and

19 c. positions and employees authorized to be in the
20 unclassified service of the state elsewhere in this
21 section or in subsection B of this section;

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

24 a. the Carl Albert Internship Program Coordinator,

- 1 b. one Administrative Assistant,
- 2 c. one Workforce Planning Manager,
- 3 d. Assistant Administrators,
- 4 e. one Associate Administrator, and
- 5 f. Division Directors;

6 24. Department of Labor personnel occupying the following
7 offices and positions:

- 8 a. two Deputy Commissioners,
- 9 b. two Executive Secretaries to the Commissioner,
- 10 c. Chief of Staff,
- 11 d. two Administrative Assistants,
- 12 e. Information Systems Administrator,
- 13 f. three Safety and Health Directors,
- 14 g. Research Director,
- 15 h. Employment Standards Director,
- 16 i. Asbestos Director,
- 17 j. General Counsel,
- 18 k. one Legal Secretary,
- 19 l. one Docket Clerk, and
- 20 m. two Information Systems Application Specialists;

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

22 26. The Oklahoma Employment Security Commission employees
23 occupying the following positions:

- 24 a. Associate Director,

1 b. Secretary to the Associate Director, and

2 c. Assistant to the Executive Director;

3 27. Oklahoma Human Rights Commission personnel occupying the
4 position of Administrative Assistant;

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

6 29. Officers and employees of the University Hospitals
7 Authority except personnel in the state classified service pursuant
8 to Section 3211 of Title 63 of the Oklahoma Statutes and members of
9 the University Hospitals Authority Model Personnel System created
10 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma
11 Statutes or as otherwise provided for in Section 3213.2 of Title 63
12 of the Oklahoma Statutes;

13 30. Alcoholic Beverage Laws Enforcement Commission employees
14 occupying the following positions:

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

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

22 31. The Oklahoma State Bureau of Investigation employees
23 occupying the following positions:

24 a. five assistant directors,

- b. six special investigators,
- c. one information representative,
- d. one federally funded physical evidence technician,
- 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,
- 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 and their executive assistants,
- ~~c.~~
- b. eight field division engineer positions,
- ~~d.~~

- 1 c. one pilot position,
- 2 ~~e.~~ ~~five~~
- 3 d. ten Project Manager positions, and
- 4 ~~f.~~ ~~five~~
- 5 e. ten Transportation Coordinators;

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

- 8 a. Director of the Investments Division,
- 9 b. Assistant Director of the Investments Division,
- 10 c. one Administrative Assistant,
- 11 d. one Audit Tech position,
- 12 e. one Auditor I position,
- 13 f. two Accounting Tech I positions,
- 14 g. two Administrative Assistant I positions,
- 15 h. two Imaging Specialist positions,
- 16 i. one Information Systems Specialist position,
- 17 j. Director of Communications,
- 18 k. Director of Royalty Compliance,
- 19 l. Director of Mineral Management,
- 20 m. Director of Accounting,
- 21 n. Chief of Staff,
- 22 o. First Assistant Secretary,
- 23 p. Director of Real Estate Management,
- 24 q. one executive secretary,

1 r. one legal secretary, and

2 s. one legal assistant;

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

5 a. six Narcotics Agent positions and three Typist
6 Clerk/Spanish transcriptionists, including a Typist
7 Clerk Supervisor/Spanish transcriptionist, provided,
8 authorization for such positions shall be terminated
9 if the federal funding for the positions is
10 discontinued,

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

13 c. one fiscal officer,

14 d. one full-time Programmer, and

15 e. one full-time Network Engineer;

16 35. The Military Department of the State of Oklahoma is
17 authorized such unclassified employees within full-time employee
18 limitations to work in any of the Department of Defense directed
19 youth programs, the State of Oklahoma Juvenile Justice youth
20 programs, those persons reimbursed from Armory Board or Billeting
21 Fund accounts, and skilled trade positions;

22 36. Within the Oklahoma Commission on Children and Youth the
23 following unclassified positions:
24

- 1 a. one Oversight Specialist and one Community Development
- 2 Planner,
- 3 b. one State Plan Grant Coordinator, provided
- 4 authorization for the position shall be terminated
- 5 when federal support for the position by the United
- 6 States Department of Education Early Intervention
- 7 Program is discontinued,
- 8 c. one executive secretary in addition to the one
- 9 authorized pursuant to paragraph 2 of this subsection,
- 10 and
- 11 d. one Programs Manager;

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

- 14 a. one Executive Secretary in addition to the Executive
- 15 Secretary authorized by paragraph 2 of this
- 16 subsection,
- 17 b. the Director of Central Purchasing,
- 18 c. one Alternate Fuels Administrator,
- 19 d. one Director of Special Projects,
- 20 e. three postauditors,
- 21 f. four high-technology contracting officers,
- 22 g. one Executive Assistant to the Purchasing Director,
- 23 h. four Contracts Managers,
- 24 i. one Associate Director,

- 1 j. one specialized HiTech/Food Contracting Officer,
- 2 k. one State Use Contracting Officer,
- 3 l. one Property Distribution Administrator,
- 4 m. three licensed architects assigned to the Construction
5 and Properties Division,
- 6 n. three licensed engineers assigned to the Construction
7 and Properties Division,
- 8 o. eight construction consultants assigned to the
9 Construction and Properties Division,
- 10 p. one attorney assigned to the Construction and
11 Properties Division,
- 12 q. three positions assigned to the Information Services
13 Division, which shall include one Information
14 Technology Manager, one Applications Specialist and
15 one Data Planning Specialist,
- 16 r. four positions assigned to Fleet Management, which
17 shall include one Deputy Fleet Manager and three
18 Management Analysts,
- 19 s. one Chief Auditor,
- 20 t. one Assistant Director of Central Purchasing Division,
- 21 u. one Professional Errors and Omissions Liability
22 Adjuster,
- 23 v. three Strategic Sourcing Managers,
- 24 w. three Strategic Sourcing Assistant Managers, and

1 x. two Printing Services Brokers;

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

4 a. four ~~Water Quality~~ Assistant Division Chiefs,

5 b. four Water Resources Division Chiefs, and

6 c. Director of Water Planning;

7 39. J.D. McCarty Center for Children with Developmental
8 Disabilities personnel occupying the following offices and
9 positions:

10 a. Physical Therapists,

11 b. Physical Therapist Assistants,

12 c. Occupational Therapists,

13 d. Certified Occupational Therapist Aides, and

14 e. Speech Pathologists;

15 40. The Development Officer, the Director of the State Museum
16 of History and the Cherokee Strip Regional Heritage Center Director
17 within the Oklahoma Historical Society;

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

20 a. one Executive Secretary in addition to the Executive
21 Secretary authorized by paragraph 2 of this subsection
22 and one Executive Assistant,

23 b. nineteen Agricultural Marketing Coordinator III
24 positions,

1 c. temporary fire suppression personnel, regardless of
2 the number of hours worked, who are employed by the
3 Oklahoma Department of Agriculture, Food, and
4 Forestry; provided, however, notwithstanding the
5 provisions of any other section of law, the hours
6 worked by such employees shall not entitle such
7 employees to any benefits received by full-time
8 employees,

9 d. one Information Technology Specialist,

10 e. one Director of Administrative Services,

11 f. one Water Quality Consumer Complaint Coordinator,

12 g. one hydrologist position,

13 h. Public Information Office Director,

14 i. one Information Technology Technician,

15 j. Legal Services Director,

16 k. Animal Industry Services Director,

17 l. Agricultural Environmental Management Services
18 Director,

19 m. Forestry Services Director,

20 n. Plant Industry and Consumer Services Director,

21 o. one Grants Administrator position,

22 p. Director of Laboratory Services,

23 q. Chief of Communications,

24 r. Public Information Manager,

- s. Inventory/Supply Officer,
- t. five Agriculture Field Inspector positions assigned the responsibility for conducting inspections and audits of agricultural grain storage warehouses. All other Agriculture Field Inspector positions and employees of the Oklahoma Department of Agriculture, Food, and Forestry shall be classified and subject to the provisions of the Merit System of Personnel Administration. On November 1, 2002, all other unclassified Agriculture Field Inspectors shall be given status in the classified service as provided in Section 840-4.2 of this title,
- u. Rural Fire Coordinator,
- v. one Agricultural Marketing Coordinator I,
- w. Food Safety Division Director,
- x. two Environmental Program Specialists,
- y. two Scale Technicians,
- z. two Plant Protection Specialists, and
- aa. Chief Agent;

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

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

1 44. Oklahoma Real Estate Commission personnel occupying the
2 following offices and positions:

3 a. Educational Program Director, and

4 b. Data Processing Manager;

5 45. ~~A Chief Consumer Credit Examiner for~~ All employees of the
6 Department of Consumer Credit;

7 46. All officers and employees of the Oklahoma Capitol Complex
8 and Centennial Commemoration Commission;

9 47. All officers and employees of the Oklahoma Motor Vehicle
10 Commission;

11 48. One Museum Archivist of The Will Rogers Memorial
12 Commission;

13 49. One Fire Protection Engineer of the Office of the State
14 Fire Marshal;

15 50. Acting incumbents employed pursuant to Section 209 of Title
16 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not
17 be included in any limitation on full-time equivalency imposed by
18 law on an agency. Permanent classified employees may request a
19 leave of absence from classified status and accept an unclassified
20 appointment and compensation as an acting incumbent with the same
21 agency; provided, the leave shall expire no later than two (2) years
22 from the date of the acting incumbent appointment. An appointing
23 authority may establish unclassified positions and appoint
24 unclassified employees to perform the duties of a permanent

1 classified employee who is on leave of absence from a classified
2 position to serve as an acting incumbent. All unclassified
3 appointments created pursuant to this paragraph shall expire no
4 later than two (2) years from the date of appointment. Classified
5 employees accepting unclassified appointments and compensation
6 pursuant to this paragraph shall be entitled to participate without
7 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 paragraph, 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 51. The Oklahoma Homeland Security Director and all other
16 positions assigned the responsibilities of working in the Oklahoma
17 Office of Homeland Security;

18 52. The following ~~eighteen (18)~~ positions, offices or employees
19 in the State Department of Health:

- 20 a. ~~one surveillance supervisor~~ State Commissioner of
21 Health,
- 22 b. ~~one surveillance project monitor~~ Assistant State
23 Commissioner of Health,

24

- c. ~~two bilingual interviewers~~ Deputy Commissioner of Health,
- d. ~~eight senior interviewers~~ Chief Operating Officer, and
- e. ~~six interviewers~~ Service Chief,
- f. Division Director,
- g. County Administrator,
- h. Executive Assistant,
- i. Executive Administrative Assistant,
- j. Executive Secretary,
- k. Paralegal,
- l. Legal Assistant,
- m. Legal Secretary, and
- n. All positions or employees assigned to the Behavioral Risk Factor Surveillance Systems for Health Care Information;

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

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

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

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

1 56. Heads of agencies, principal assistants or deputies and
2 executive secretaries of an agency that is consolidated into another
3 agency.

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

7 1. Licensed medical doctors, osteopathic physicians, dentists,
8 psychologists, and nurses;

9 2. Certified public accountants;

10 3. Licensed attorneys;

11 4. Licensed veterinarians; and

12 5. Licensed pharmacists.

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

19 D. The appointing authority of agencies participating in the
20 statewide information systems project may establish unclassified
21 positions and appoint unclassified employees to the project as
22 needed. Additional unclassified positions may be established, if
23 required, to appoint an unclassified employee to perform the duties
24 of a permanent classified employee who is temporarily absent from a

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

21 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-5.12, is
22 amended to read as follows:

23 Section 840-5.12. A. The State Department of Rehabilitation
24 Services shall be under the Merit System. Except as otherwise

1 provided in this section, all offices, positions and personnel shall
2 be classified and subject to the provisions of the Merit System of
3 Personnel Administration and rules promulgated hereunder. This
4 section shall supersede and repeal any and all executive orders
5 issued pursuant to Section 840-1.1 et seq. of this title to place
6 the agency or its predecessors under the Merit System.

7 B. In addition to offices, positions and personnel that are
8 unclassified pursuant to Section 840-5.5 of this title, the Director
9 of the State Department of Rehabilitation Services may establish
10 positions in the unclassified service and place employees in the
11 positions provided the total number of unclassified positions does
12 not exceed fifty-two (52). This limit does not include State
13 Department of Rehabilitation Services employees subject to Section
14 840-5.3 of this title.

15 C. The limit on unclassified positions provided for in
16 subsection B of this section shall not apply to the instructional
17 and administrative personnel at the Oklahoma School for the Blind
18 and the Oklahoma School for the Deaf as listed in Section 1419 of
19 Title 10 of the Oklahoma Statutes.

20 D. The limit on unclassified positions provided for in
21 subsection B of this section shall not apply to the employees of the
22 Disability Determination Division of the State Department of
23 Rehabilitation Services. The Director of the State Department of
24 Rehabilitation Services may establish positions in the unclassified

1 service in the Disability Determination Division and may place
2 employees in those positions provided the total number of those
3 unclassified positions does not exceed ~~fourteen~~ twenty-one.

4 E. Instructional and administrative personnel of the State
5 Department of Rehabilitation Services at the Oklahoma School for the
6 Blind and the Oklahoma School for the Deaf pursuant to Section 1419
7 of Title 10 of the Oklahoma Statutes shall be considered
8 unclassified state employees solely for the purpose of entering and
9 maintaining employment data in the state Personnel Management
10 Information System established pursuant to Section 840-2.13 of this
11 title, unless otherwise provided by law.

12 SECTION 4. AMENDATORY 74 O.S. 2011, Section 840-5.24, is
13 amended to read as follows:

14 Section 840-5.24. ~~Notwithstanding any provision of law to the~~
15 ~~contrary, the~~

16 A. The State Election Board shall be under the Merit System of
17 Personnel Administration. ~~Except for the Secretary of the State~~
18 ~~Election Board, the Assistant Secretary of the State Election Board,~~
19 ~~the Support Services Division Director, the Election Services~~
20 ~~Division Director, the Information Services Division Director, one~~
21 ~~Election Technology Coordinator, one Public Information Officer and~~
22 ~~one Administrative Assistant~~ as provided in subsection B of this
23 section or in Section 840-5.5 of this title, all offices, positions,
24 and personnel shall be classified and subject to the provisions of

1 the Merit System of Personnel Administration and rules promulgated
2 hereunder. Salaries and job family allocations shall be determined
3 in accordance with Section 840-4.2 of this title. ~~This section~~
4 ~~shall supersede and repeal any and all executive orders issued~~
5 ~~pursuant to the Oklahoma Personnel Act to place the agency or its~~
6 ~~predecessors under the Merit System.~~

7 B. In addition to offices, positions and personnel that are
8 unclassified pursuant to Section 840-5.5 of this title, the
9 following offices, positions and personnel shall be in the
10 unclassified service:

11 1. Secretary of the State Election Board;

12 2. Assistant Secretaries of the State Election Board, not to
13 exceed two (2);

14 3. Division Directors, not to exceed three (3);

15 4. Director of Public Information;

16 5. Election Systems Coordinator; and

17 6. Five (5) additional positions designated by the Secretary of
18 the State Election Board.

19 SECTION 5. AMENDATORY 74 O.S. 2011, Section 2242, is
20 amended to read as follows:

21 Section 2242. The following offices and positions in the
22 Oklahoma Tourism and Recreation Department shall be in the
23 unclassified service and shall not be subject to the Merit System of
24 Personnel Administration:

1 1. The Executive Director, the Deputy Director, directors of
2 the divisions of the Department and administrative assistant of
3 each, and not more than ~~four~~ eight positions involved in the
4 executive management of the Department;

5 2. All positions in the Traveler Response Information Program;

6 3. All ~~professional or managerial~~ positions whose principal
7 function is one of the following:

8 a. marketing and promotion of travel and tourism to and
9 within the state,

10 b. promoting the state as a viable location for producing
11 motion pictures and television programs and for
12 recording music,

13 c. developing, producing, and on-air broadcasting of
14 "Discover Oklahoma", the weekly promotional television
15 program,

16 d. not more than ~~fifteen~~ twenty positions performing
17 financial ~~management~~ functions for the Department, and

18 e. not more than ~~five~~ ten positions performing human
19 resources functions for the Department, ~~and~~

20 ~~f. not more than two positions performing information~~
21 ~~services functions for the Department;~~

22 4. Any position associated with the development and production
23 of "Oklahoma Today" magazine; and
24

1 5. Any position in the Division of State Parks utilized in the
2 operation and administration of state resorts, cabins, lodges, and
3 golf courses.

4 SECTION 6. This act shall become effective July 1, 2012.

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

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