

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 3294

6 By: Osborn

7 COMMITTEE SUBSTITUTE

8 An Act relating to state government; amending 74 O.S.
9 2011, Sections 840-1.1, 840-1.2, 840-1.3, as amended
10 by Section 868, Chapter 304, O.S.L. 2012, 840-1.6, as
11 amended by Section 5, Chapter 303, O.S.L. 2012, 840-
12 1.6A, as amended by Section 6, Chapter 303, O.S.L.
13 2012, 840-1.9, as amended by Section 7, Chapter 303,
14 O.S.L. 2012, 840-1.10, 840-1.14, 840-1.18, as amended
15 by Section 869, Chapter 304, O.S.L. 2012, 840-1.19,
16 as amended by Section 9, Chapter 303, O.S.L. 2012,
17 840-1.20, as amended by Section 10, Chapter 303,
18 O.S.L. 2012, 840-2.5, 840-2.9, 840-2.13, as amended
19 by Section 874, Chapter 304, O.S.L. 2012, 840-2.14,
20 as amended by Section 875, Chapter 304, O.S.L. 2012,
21 840-2.16, 840-2.19, as amended by Section 878,
22 Chapter 304, O.S.L. 2012, 840-2.21, as amended by
23 Section 881, Chapter 304, O.S.L. 2012, 840-2.25, 840-
24 2.27B, 840-2.27C, as amended by Section 884, Chapter
304, O.S.L. 2012, 840-2.27D, as amended by Section
885, Chapter 304, O.S.L. 2012, 840-2.28, as amended
by Section 889, Chapter 304, O.S.L. 2012, 840-2.29,
840-3.1, as amended by Section 892, Chapter 304,
O.S.L. 2012, 840-3.2, as amended by Section 893,
Chapter 304, O.S.L. 2012, 840-3.5, as last amended by
Section 5, Chapter 237, O.S.L. 2013, 840-3.7, 840-
3.11, as amended by Section 896, Chapter 304, O.S.L.
2012, 840-3.12, 840-3.13, as amended by Section 897,
Chapter 304, O.S.L. 2012, 840-4.1, 840-4.2, as
amended by Section 900, Chapter 304, O.S.L. 2012,
840-4.3, as amended by Section 901, Chapter 304,
O.S.L. 2012, 840-4.9, 840-4.11, as amended by Section
906, Chapter 304, O.S.L. 2012, 840-4.12, as amended
by Section 907, Chapter 304, O.S.L. 2012, 840-4.13,
as amended by Section 908, Chapter 304, O.S.L. 2012,

1 840-4.14, as last amended by Section 109, Chapter 15,
2 O.S.L. 2013, 840-5.1, as amended by Section 912,
3 Chapter 304, O.S.L. 2012, 840-5.1A, as amended by
4 Section 913, Chapter 304, O.S.L. 2012, 840-5.2A, as
5 amended by Section 914, Chapter 304, O.S.L. 2012,
6 840-5.5, as last amended by Section 30, Chapter 214,
7 O.S.L. 2013, 840-5.16, as amended by Section 918,
8 Chapter 304, O.S.L. 2012, 840-6.1, 840-6.3, 840-6.9,
9 as amended by Section 921, Chapter 304, O.S.L. 2012,
10 150.17 and 5003.5 (74 O.S. Supp. 2013, Sections 840-
11 1.3, 840-1.6, 840-1.6A, 840-1.9, 840-1.18, 840-1.19,
12 840-1.20, 840-2.13, 840-2.14, 840-2.19, 840-2.21,
13 840-2.27C, 840-2.27D, 840-2.28, 840-3.1, 840-3.2,
14 840-3.5, 840-3.11, 840-3.13, 840-4.2, 840-4.3, 840-
15 4.11, 840-4.12, 840-4.13, 840-4.14, 840-5.1, 840-
16 5.1A, 840-5.2A, 840-5.5, 840-5.16 and 840-6.9), which
17 relate to the Oklahoma Personnel Act; modifying name
18 of act; modifying purpose of act; providing for
19 principles for treatment of employees; modifying
20 definitions; modifying references to certain
21 employees and personnel; transferring powers and
22 duties from the Oklahoma Merit Protection Commission
23 to the Office of Management and Enterprise Services;
24 modifying powers and duties of the Office;
authorizing subpoena powers for certain entities;
removing legal counsel for the Commission; modifying
usage of the Human Capital Management Revolving Fund;
modifying management of costs of human resources;
requiring the Office to produce certain reports;
modifying severance and voluntary-out benefits;
modifying training programs for supervisory
personnel; renaming certain internship program;
authorizing promulgation of rules for State
Internship Program; providing for classification
adjustment; deleting the Fair Employment Practices
Act; modifying list of personnel in unclassified
service; authorizing Administrator of Human Capital
Management Division of the Office to determine
certain classifications of service; modifying
employment and hiring under the State Work Incentive
Program; modifying Alternative Dispute Resolution
Program; creating the Career Service Commission;
providing for membership of Commission; providing for
complaint procedures for career service employees;
modifying procedures for disciplining employees;
removing right to return to classified service for
certain positions; removing certain positions from

1 classified services; repealing 74 O.S. 2011, Sections
2 840-1.7, 840-1.8, 840-1.12, 840-1.13, 840-1.21, 840-
3 2.6, 840-2.7, as amended by Section 872, Chapter 304,
4 O.S.L. 2012, 840-2.27F, as amended by Section 887,
5 Chapter 304, O.S.L. 2012, 840-3.4, as last amended by
6 Section 4, Chapter 237, O.S.L. 2013, 840-4.19, 840-
7 5.2, 840-5.2B, as amended by Section 915, Chapter
8 304, O.S.L. 2012, 840-5.4, 840-5.6, 840-5.7, 840-5.8,
9 840-5.9, 840-5.12, 840-5.13, 840-5.15, 840-5.18, 840-
10 5.19, 840-5.20, 840-5.21, 840-5.23, 840-5.24, 840-
11 6.2, 840-6.4, 840-6.5, as amended by Section 920,
12 Chapter 304, O.S.L. 2012, 840-6.6, 840-6.7, 840-6.8
13 and 661.1 (74 O.S. Supp. 2013, Sections 840-2.7, 840-
14 2.27F, 840-3.4, 840-5.2B and 840-6.5), which relate
15 to the Oklahoma Personnel Act; amending 3 O.S. 2011,
16 Section 84.2, which relates to the Oklahoma
17 Aeronautics Commission; modifying and updating
18 references to classified and unclassified service;
19 amending 3A O.S. 2011, Section 712, which relates to
20 the Oklahoma Education Lottery Act; removing
21 positions from unclassified service; amending 53 O.S.
22 2011, Section 168, which relates to the Oklahoma Arts
23 and Humanities Act; updating reference to the
24 Oklahoma Personnel Act; amending 56 O.S. 2011,
Section 26.17, as amended by Section 230, Chapter
304, O.S.L. 2012 (56 O.S. Supp. 2013, Section 26.17),
which relates to employees of the Department of Human
Services; removing positions from unclassified
service; amending 63 O.S. 2011, Section 5006, which
relates to the Oklahoma Health Care Authority;
removing positions from unclassified service;
amending 70 O.S. 2011, Section 17-103, which relates
to the Teachers' Retirement System; modifying and
updating references to classified and unclassified
service; repealing 37 O.S. 2011, Section 510A, which
relates to the classification of the Public
Information Officer within the Alcoholic Beverage
Laws Enforcement Commission; repealing 43A O.S. 2011,
Section 2-203, which relates to the classification of
employees by the Commissioner of Mental Health;
repealing 44 O.S. 2011, Section 21.1, which relates
to persons appointed as state employees in the
Military Department; repealing 63 O.S. 2011, Section
2-103a, which relates to salaries and positions
within the Oklahoma State Bureau of Narcotics and
Dangerous Drugs Control; repealing 72 O.S. 2011,
Section 63.7A, which relates to classification of

1 certain employees transferred to the Department of
2 Veterans Affairs; and providing an effective date.

3
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-1.1, is
6 amended to read as follows:

7 Section 840-1.1 ~~A. Sections 840-1.1 through 840-6.9 of this~~
8 ~~title~~ This act shall be known and may be cited as the "Oklahoma
9 ~~Personnel Career Service Act~~".

10 ~~B. All statutes hereinafter enacted and codified within~~
11 ~~Sections 840-1.1 through 840-6.9 of this title shall be part of the~~
12 ~~Oklahoma Personnel Act.~~

13 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-1.2, is
14 amended to read as follows:

15 Section 840-1.2 A. It is the purpose of this act to ~~protect~~
16 ~~the public from improper use of authority, to protect public~~
17 ~~officials and employees from unwarranted assaults on their integrity~~
18 ~~and to enforce the protections for classified employees and citizens~~
19 ~~under the Merit System of Personnel Administration. It is further~~
20 ~~the general purpose of this act to establish for the state a system~~
21 ~~to recruit, select, develop and maintain an effective and responsive~~
22 ~~work force; to provide for administrative flexibility and adequate~~
23 ~~and reasonable protection and security for those who have entered~~
24 ~~and will enter into the service of the state; to provide for the~~

1 ~~preservation and protection of the Merit System; and to provide~~
2 ~~policies and procedures for the selection, hiring, retention,~~
3 ~~advancement, career development, job classification, salary~~
4 ~~administration, discipline, discharge and other related activities,~~
5 ~~all in accordance with principles of merit and fitness and equal~~
6 ~~employment opportunity, and to maintain a high level of morale,~~
7 ~~motivation and productivity among state employees~~ establish an
8 effective system of human resources management that will attract,
9 select, retain and promote the best-qualified employees based on
10 merit and equal opportunity, and free from coercive political
11 influences. The intent of this act is to allow agencies flexibility
12 in human resources management within a framework of consistent best
13 practices across all state agencies and entities.

14 B. As provided in this act, it is the policy of the state that
15 agencies treat all employees in accordance with the following
16 principles:

17 1. Assuring fair treatment of applicants and employees in all
18 aspects of personnel administration without regard to race, color,
19 national origin, gender, age, disability, religion or creed, or
20 political opinions or affiliations. This "fair treatment" principal
21 includes compliance with all applicable state and federal equal-
22 employment-opportunity and nondiscrimination laws;

23 2. Recruiting, selecting, and promoting employees on the basis
24 of their relative skills, abilities, competencies and knowledge,

1 including an open process to consider qualified applicants for
2 initial employment;

3 3. Providing equitable and adequate compensation based on
4 performance, job value and competitiveness and applicable labor
5 markets;

6 4. Training and developing employees to assure a high level of
7 performance and to provide workforce knowledge and skills needed to
8 maintain and advance the goals and objectives of the state;

9 5. Retaining employees on the basis of their performance,
10 counseling inadequate performance and unacceptable conduct, and
11 terminating employees whose performance or conduct is inadequate,
12 unsuitable or inferior; and

13 6. Assuring that employees are protected against coercion from
14 partisan political purposes and are protected from using their
15 official authority for the purpose of interfering with, or affecting
16 the result of, an election or nomination for office.

17 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-1.3, as
18 amended by Section 868, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2013, Section 840-1.3), is amended to read as follows:

20 Section 840-1.3 As used in the Oklahoma ~~Personnel~~ Career
21 Service Act, unless otherwise provided in Sections 840-1.1 through
22 840-6.9 of this title:

23

24

1 1. "Agency" means any office, department, board, commission or
2 institution of the executive branch of state government. Agency
3 shall not include any nonappropriated agency;

4 2. "Employee" or "state employee" means an elected or appointed
5 officer or employee of an agency unless otherwise indicated;

6 3. "Appointing authority" means the chief administrative
7 officer of an agency;

8 4. "Classification" means:

9 a. the process of placing an employee into an appropriate
10 job family and level within the job family, consistent
11 with the allocation of the position to which the
12 employee is assigned, or

13 b. an employee's job family and the level at which work
14 is assigned;

15 5. "Classification plan" means the orderly arrangement of
16 positions within an agency into separate and distinct job families
17 so that each job family will contain those positions which involve
18 similar or comparable skills, duties and responsibilities;

19 6. "~~Classified~~ Career service" means state employees ~~and in~~
20 ~~positions under the jurisdiction of the Oklahoma Merit System of~~
21 ~~Personnel Administration~~ that are not required to be in the
22 executive service pursuant to Section 840-5.5 of this title;

23 7. "Copy" means the duplication of an original document or
24 recording. The copy may be provided in an electronic format

1 generated from technology having electrical, digital, magnetic,
2 wireless, optical, electromagnetic, or similar capabilities;

3 8. ~~"Entrance examination" means any employment test used by the~~
4 ~~Office of Management and Enterprise Services to rank the names of~~
5 ~~applicants who possess the minimum requirements of education,~~
6 ~~experience, or licensure for a job or group of similar jobs on a~~
7 ~~register of eligibles established by the Office of Management and~~
8 ~~Enterprise Services~~ "Executive service" means employees and
9 positions required to be in the executive service pursuant to
10 Section 840-5.5 of this title;

11 9. "Job" means a position or job family level in a job family;

12 10. "Job family" means:

13 a. jobs which require similar core skills and involve
14 similar work, and

15 b. a logical progression of roles in a specific type of
16 occupation in which the differences between roles are
17 related to the depth and breadth of experience at
18 various levels within the job family and which are
19 sufficiently similar in duties and requirements of the
20 work to warrant similar treatment as to title, typical
21 functions, knowledge, skills and abilities required,
22 and education and experience requirements;

1 11. "Job family level" means a role in a job family having
2 distinguishable characteristics such as knowledge, skills,
3 abilities, education, and experience;

4 12. "Job family descriptor" means a written document that:

5 a. describes a job family, including, but not limited to,
6 the basic purpose, typical functions performed,
7 various levels within the job family, and the
8 knowledge, skills, abilities, education, and
9 experience required for each level, and

10 b. identifies the pay band assigned for each level;

11 13. "Promotional ~~examination~~ assessment" means any employment
12 ~~test tool~~ designated by the Office of Management and Enterprise
13 Services to determine further the qualifications of a permanent
14 ~~classified~~ career service employee of a state agency for employment
15 in a different job for which the employee possesses the minimum
16 qualifications of education, experience, or licensure within that
17 agency;

18 14. "Interagency transfer" means an action in which an employee
19 leaves employment with one agency and enters employment with another
20 agency while continuously employed with the state;

21 15. "Intra-agency transfer" means moving an employee from one
22 position to another position with the same agency either with or
23 without reclassification;

24

1 16. "Job-related organization" means a membership association
2 which collects annual dues, conducts annual meetings and provides
3 job-related education for its members and which includes state
4 employees, including any association for which payroll deductions
5 for membership dues are authorized pursuant to paragraph 5 of
6 subsection B of Section ~~7.10~~ 34.70 of Title 62 of the Oklahoma
7 Statutes;

8 17. "Lateral transfer" means the reassignment of an employee to
9 another state job with the same pay band assignment as the job
10 family level in which the employee was ~~classified~~ employed career
11 service prior to the lateral transfer;

12 18. ~~"Merit Rules" or "Merit~~ "Career Service Rules for
13 Employment" or ~~"Merit System of Personnel Administration Rules"~~
14 "Career Service Code" means rules adopted by the Director of the
15 Office of Management and Enterprise Services ~~or the Oklahoma Merit~~
16 ~~Protection Commission pursuant to the Oklahoma Personnel Act;~~

17 19. "Noncompetitive appointment" means the appointment of a
18 person to a noncompetitive job level within a job family;

19 20. "Noncompetitive job" means an unskilled or semiskilled job
20 designated by the Office of Management and Enterprise Services as
21 noncompetitive. Noncompetitive jobs do not require ~~written~~
22 ~~examinations~~ assessment for placement on ~~registers~~ lists of
23 eligibles;

24

1 21. ~~"Permanent classified employee" means a classified service~~
2 ~~employee who has acquired permanent status in accordance with the~~
3 ~~Oklahoma Personnel Act, and rules adopted pursuant thereto, and who~~
4 ~~has the right to appeal involuntary demotion, suspension without~~
5 ~~pay, and discharge to the Commission;~~

6 22. ~~"Presiding official" means a person serving the Oklahoma~~
7 ~~Merit Protection Commission in the capacity of administrative~~
8 ~~hearing officer, mediator, or other alternative dispute resolution~~
9 ~~arbitrator or facilitator;~~

10 23. ~~"Progressive discipline"~~ "Career coaching" means a system
11 designed to ensure the consistency, impartiality and predictability
12 of discipline and the flexibility to vary penalties if justified by
13 aggravating or mitigating conditions;

14 24. 22. "Reclassification" means the process of changing a
15 ~~classified~~ career service employee from one job family to another
16 job family or from one job family level to another job family level
17 in the same job family, resulting in a change in the employee's
18 assigned job code;

19 25. 23. "Regular and consistent" means, in connection with the
20 work assignments of an employee, the usual and normal work
21 assignments of the employee, excluding incidental, casual, or
22 occasional tasks and activities the employee assumes without
23 direction to do so. Temporary work assignments of less than sixty
24

1 (60) days in any twelve (12) consecutive months period shall not be
2 considered regular and consistent;

3 ~~26. "Regular unclassified service employee" means an~~
4 ~~unclassified service employee who is not on a temporary or other~~
5 ~~time-limited appointment;~~

6 ~~27.~~ 24. "Supervisor" means a classified career service or
7 ~~unclassified~~ executive service officer or employee who has been
8 assigned authority and responsibility for evaluating the performance
9 of subordinates;

10 ~~28. "Unclassified service" or "exempt service" means employees~~
11 ~~and positions excluded from coverage of the Oklahoma Merit System of~~
12 ~~Personnel Administration;~~

13 ~~29.~~ 25. "Career Service System" means the ~~Oklahoma~~
14 ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
15 Administration;

16 ~~30.~~ 26. "Director" means the appointing authority of the Office
17 of Management and Enterprise Services;

18 ~~31. "Executive Director" means the appointing authority of the~~
19 ~~Oklahoma Merit Protection Commission;~~

20 ~~32.~~ 27. "Office" means the Office of Management and Enterprise
21 Services;

22 ~~33.~~ 28. "Commission" means the ~~Oklahoma Merit Protection~~ Career
23 Service Commission;

24

1 ~~34.~~ 29. "Veteran" means a person who has been honorably
2 discharged from the Armed Forces of the United States and has been a
3 resident of Oklahoma for at least one (1) year prior to the date of
4 the ~~examination~~ assessment; and

5 ~~35.~~ 30. "Voluntary out" means the voluntary separation of
6 employees from the state service in exchange for benefits offered by
7 an agency in order to reduce or eliminate the adverse impact of an
8 imminent reduction-in-force.

9 SECTION 4. AMENDATORY 74 O.S. 2011, Section 840-1.6, as
10 amended by Section 5, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2013,
11 Section 840-1.6), is amended to read as follows:

12 Section 840-1.6 A. The internal administrative organization of
13 the Office of Management and Enterprise Services shall be determined
14 by the Director of the Office of Management and Enterprise Services
15 in such a manner as to promote the efficient and effective
16 enforcement of the Oklahoma Personnel Act.

17 B. The Director of the Office of Management and Enterprise
18 Services may employ attorneys, accountants and other personnel as
19 the Director deems necessary to carry out the duties imposed upon
20 the Office.

21 C. Employees of the Office shall be subject to the ~~Merit~~
22 Oklahoma Career Service System of ~~Personnel~~ Human Resources
23 Administration, unless otherwise exempted by Section 840-5.5 of this
24 title.

1 SECTION 5. AMENDATORY 74 O.S. 2011, Section 840-1.6A, as
2 amended by Section 6, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2013,
3 Section 840-1.6A), is amended to read as follows:

4 Section 840-1.6A The Office of Personnel Management Division of
5 the Office of State Finance is hereby consolidated into and renamed
6 the Office of Management and Enterprise Services. Where the term
7 "Office of Personnel Management" is used within the Oklahoma
8 Statutes, it shall mean the Office of Management and Enterprise
9 Services. The chief administrative officer shall be the Director of
10 the Office of Management and Enterprise Services. In addition to
11 the other duties imposed by law, the Director shall:

12 1. Be responsible for the development of an efficient and
13 effective system of ~~personnel~~ human resources administration that
14 meets the management needs of the various agencies;

15 2. Organize the Office to provide both service and regulatory
16 functions that are effective and efficient in meeting the management
17 needs of various state agencies. The Director is directed to
18 establish an agency service function to assist agencies with human
19 resource needs based upon the administrative capacity and resources
20 of the various agencies;

21 3. Prepare, maintain, and revise a ~~classified~~ career service
22 system of employment designed to assure the impartial consideration
23 of applicants for employment and to protect state employees from
24 arbitrary dismissal or unfair treatment;

1 4. Develop and maintain a classification and compensation
2 system for all ~~classified~~ career service and executive service
3 positions in the executive branch of state government including
4 those established by the Oklahoma Constitution;

5 5. Conduct an analysis of the rates of pay prevailing in the
6 state in the public and private sectors for comparable jobs and
7 report the findings to the Governor, the President Pro Tempore of
8 the Senate, and the Speaker of the House of Representatives no later
9 than ~~December~~ February 1 of each year. Such analysis shall include
10 all forms of compensation including fringe benefits. Information
11 solicited by the Office of Management and Enterprise Services from
12 public and private sector employers for such analysis, including but
13 not limited to salaries, benefits, and compensation policies and
14 procedures, shall be confidential and shall not be subject to
15 disclosure under the Oklahoma Open Records Act;

16 6. Develop a program for the recruitment of qualified persons,
17 including the administration of valid job-related nondiscriminatory
18 selection procedures ~~providing for competitive examinations when~~
19 ~~practical and for reasonable selection criteria when competitive~~
20 ~~examinations are not practical. As part of the recruitment program~~
21 ~~established by this section, the Director may identify positions or~~
22 ~~job family levels for expedited recruitment. Such expedited~~
23 ~~recruitment jobs may include only those jobs where education,~~
24 ~~experience or certification requirements substantially limit the~~

1 ~~pool of available applicants. Applicants who have been certified by~~
2 ~~the Office of Management and Enterprise Services as meeting the~~
3 ~~minimum qualifications for such jobs may be referred to agencies~~
4 ~~with vacancies in such jobs without examination or ranking, and may~~
5 ~~be eligible for appointment upon referral. However, a referral may~~
6 ~~not occur until the register for the job has been publicly announced~~
7 ~~for at least fourteen (14) calendar days. The Director may remove~~
8 ~~positions or job family levels from expedited recruitment at any~~
9 ~~time. The Director shall promulgate rules to implement expedited~~
10 ~~recruitment;~~

11 7. Develop and implement a reasonable and expeditious method
12 for referral of capable candidates for vacancies, probationary
13 periods of employment, and the employment of individuals on other
14 types of appointments as necessary;

15 8. Assist state agencies in implementing their duties and
16 obligations pursuant to the Oklahoma ~~Personnel~~ Career Service Act
17 and provide standard forms to the agencies if necessary;

18 9. Develop, in cooperation with appointing authorities,
19 employee training programs, management training programs, a
20 certified public manager program, a recruiting program, and a system
21 of performance appraisals, and assist appointing authorities in the
22 setting of productivity goals. The Director may establish and
23 collect fees for participation in training programs. The Director
24 is authorized to purchase awards for presentation to state employees

1 as part of employee recognition activities sponsored by the Office
2 of Management and Enterprise Services;

3 10. Establish rules for leave and pay including, but not
4 limited to, rules for leave, furloughs, performance pay increases,
5 rates for pay differentials, on-call pay, and other types of pay
6 incentives and salary adjustments consistent with the Oklahoma
7 ~~Personnel~~ Career Service Act;

8 11. Assist the ~~Oklahoma Merit Protection~~ Career Service
9 Commission and the ~~Executive Director~~ in effectuating their duties,
10 enforcement of the rules of the ~~Merit~~ Career Service System of
11 ~~Personnel~~ Human Resources Administration, and implementation of
12 corrective action issued by the Commission;

13 12. Be responsible for the development and maintenance of a
14 uniform occupation code system, grouped by job titles or duties, for
15 all ~~classified and unclassified~~ career service and executive service
16 state positions. The responsibility shall include the establishment
17 of rules governing the identification, tracking, and reporting of
18 all state positions as provided in Section 840-2.13 of this title;

19 13. Be responsible for advising state agencies on ~~personnel~~
20 human resources policy and administration;

21 14. Establish standards for continuing training, ~~including~~
22 ~~affirmative action,~~ and certification of ~~personnel~~ human resources
23 professionals in the executive branch of state government, excluding
24 institutions within The Oklahoma State System of Higher Education.

1 ~~Employees appointed to professional personnel positions shall~~
2 ~~complete an initial training program within one (1) year after~~
3 ~~assuming the professional personnel position. Thereafter, they~~
4 ~~shall complete annual training requirements. Each appointing~~
5 ~~authority shall ensure that all professional personnel employees are~~
6 ~~notified of, and scheduled to attend, required training programs and~~
7 ~~shall make time available for employees to complete the programs.~~
8 The Director shall be authorized to bill agencies for the training
9 of ~~personnel~~ human resources professionals pursuant to this
10 paragraph to recover reasonable costs associated with the training.
11 Monies received for such training shall be deposited in the Human
12 Capital Management Revolving Fund. Expenditure of such funds
13 collected for the training shall be exempt from any expenditure
14 limit on the Office of Management and Enterprise Services
15 established by law;

16 15. Not less than once during each two-year period, conduct a
17 study identifying the following, by job family descriptors:

- 18 a. selected job family levels with a turnover rate in
19 excess of ten percent (10%),
- 20 b. selected job family levels identified by the Director
21 of the Office of Management and Enterprise Services
22 with salaries and benefits that are ten percent (10%)
23 or more below the market for such positions, and
24

1 c. selected job family levels identified by the Director
2 in which recruitment efforts have yielded a low number
3 of qualified applicants;

4 16. Issue orders directing agencies to:

5 a. conform and comply with the provisions of the Oklahoma
6 ~~Personnel~~ Career Service Act, the ~~Merit Rules of~~
7 ~~Personnel~~ Career Service System of Human Resources
8 Administration, and all memoranda or other written
9 communications issued to agencies explaining the
10 Oklahoma ~~Personnel~~ Career Service Act, the Rules, and
11 any other matter relating to the ~~Merit~~ Career Service
12 System of ~~Personnel~~ Human Resources Administration or
13 under the jurisdiction of the Director, and
14 b. take action pursuant to Section 840-6.9 of this title
15 for failure to implement those orders;

16 17. Establish a workforce planning function within the Office
17 of Management and Enterprise Services to assist state agencies in
18 analyzing the current workforce, determining future workforce needs,
19 and implementing solutions so that agencies may accomplish their
20 missions; and

21 18. Establish a quality management function within the Office
22 of Management and Enterprise Services and assist state agencies in
23 fully integrating quality management concepts and models into their
24

1 business practices for the purpose of improving the overall
2 efficiency and effectiveness of state government.

3 SECTION 6. AMENDATORY 74 O.S. 2011, Section 840-1.9, as
4 amended by Section 7, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2013,
5 Section 840-1.9), is amended to read as follows:

6 Section 840-1.9 ~~In addition to any other duties expressly set~~
7 ~~forth by law,~~ All functions, powers, duties and obligations of the
8 Oklahoma Merit Protection Commission shall be transferred to the
9 Office of Management and Enterprise Services. In addition to any
10 other duties expressly set forth by law, the Office of Management
11 and Enterprise Services shall:

12 1. Receive and act on complaints, counsel persons and groups on
13 their rights and duties and take action designed to obtain voluntary
14 compliance with the provisions of the Oklahoma ~~Personnel~~ Career
15 Service Act;

16 2. Investigate allegations of violations of the provisions of
17 the Oklahoma ~~Personnel~~ Career Service Act within its jurisdiction;

18 3. ~~Investigate allegations of abuses in the employment~~
19 ~~practices of the Director of the Office of Management and Enterprise~~
20 ~~Services or of any state agency;~~

21 4. Investigate allegations of violations of the rules of the
22 ~~Merit~~ Career Service System of Personnel Human Resources
23 Administration and prohibited activities in the ~~classified~~ career
24 service;

1 ~~5.~~ 4. Establish and maintain a statewide Alternative Dispute
2 Resolution Program to provide dispute resolution services for state
3 agencies and employees. Actions ~~agreed to~~ through the Alternative
4 Dispute Resolution Program ~~provided by the Commission~~ shall be
5 consistent with applicable laws and rules and shall not alter,
6 reduce, or modify any existing right or authority as provided by
7 statute or rule;

8 ~~6.~~ 5. Establish rules, pursuant to the Administrative
9 Procedures Act as may be necessary to perform the duties and
10 functions of the Commission including, but not limited to, rules to
11 monitor state agency ~~grievance~~ complaint processes to ensure full
12 compliance with the law. ~~The Commission may also recommend any~~
13 ~~changes it deems necessary to improve such grievance processes to~~
14 ~~the appropriate state agency;~~

15 ~~7.~~ 6. Establish guidelines for the qualifications, duties,
16 responsibilities, authority, power, and continued employment of ~~the~~
17 ~~Executive Director~~, Administrative Hearing Officers, mediators, and
18 other resolution arbitrators or facilitators;

19 ~~8.~~ 7. Prepare and preserve an audio tape of all proceedings of
20 all hearings conducted by the Commission and furnish transcripts of
21 such tapes upon payment of the costs of such transcripts by the
22 party requesting the transcripts;

23 ~~9.~~ 8. Submit ~~quarterly~~ annual, fiscal year reports on workload
24 statistics to the Governor, the Speaker of the House of

1 Representatives, and the President Pro Tempore of the Senate
2 ~~containing the following information:~~

3 a. ~~the number of cases, complaints, and requests for~~
4 ~~hearing filed, disposed of and pending with the~~
5 ~~Commission for each month of the quarter,~~

6 b. ~~a numerical breakdown of the methods of disposition of~~
7 ~~such cases, complaints, and requests for hearing,~~

8 c. ~~a numerical breakdown of mediations, prehearing~~
9 ~~conferences, and appellate hearings, conducted, and~~

10 d. ~~the date of the oldest pending case, complaint, and~~
11 ~~request for hearing.~~

12 ~~Quarterly reports shall be submitted within thirty (30) days~~
13 ~~following the last day of the month of the appropriate quarter; and~~

14 ~~10.~~ 9. Make all records of the Commission, except those made
15 confidential by law, available for public inspection, copying and
16 mechanical reproduction, or either of them, in accordance with the
17 Oklahoma Open Records Act and charge a fee not to exceed twenty-five
18 cents (\$0.25) per page as the direct costs of document copying or
19 mechanical reproduction. All fees collected pursuant to the
20 provisions of this paragraph shall be deposited in the ~~Oklahoma~~
21 ~~Merit Protection Commission~~ Human Capital Management Revolving Fund.

22 SECTION 7. AMENDATORY 74 O.S. 2011, Section 840-1.10, is
23 amended to read as follows:

24

1 Section 840-1.10 A. ~~A member of the Oklahoma Merit Protection~~
2 ~~Commission and the Executive Director~~ The Office of Management and
3 Enterprise Services and the Career Service Commission shall have
4 power to subpoena witnesses and compel the production of books and
5 papers pertinent to any investigation, dispute resolution or hearing
6 authorized by this act. ~~Members of the Oklahoma Merit Protection~~
7 ~~Commission, the Executive Director, and their~~ The Career Service
8 Commission or its designees shall have the power to administer
9 oaths. Any person who fails to appear in response to a subpoena or
10 to answer any question or produce any books or papers pertinent to
11 any such investigation, dispute resolution or hearing or who shall
12 knowingly give false testimony therein upon conviction shall be
13 subject to penalties pursuant to Section ~~40~~ 840-6.9 of this ~~act~~
14 title.

15 B. Any state employee subpoenaed ~~by the Executive Director or~~
16 ~~Commission~~ to appear pursuant to this section shall be reimbursed by
17 the employing agency for expenses as provided in the State Travel
18 Reimbursement Act and shall be paid his or her regular salary for
19 each day that the employee is subpoenaed to appear. Said
20 reimbursement and payment shall be in lieu of any witness fees to
21 which the employee might otherwise be entitled by law and a request
22 by a state employee for such fees shall not remove the obligation
23 which the state employee has to honor the subpoena.

24

1 SECTION 8. AMENDATORY 74 O.S. 2011, Section 840-1.14, is
2 amended to read as follows:

3 Section 840-1.14 When any officer or employee of the state is
4 in doubt as to the application of the Oklahoma Personnel Career
5 Service Act as to himself or to any employee under his supervision,
6 he may submit to the Attorney General a full written statement of
7 the facts and questions he may have. The Attorney General shall
8 then render an opinion to such person and may publish these
9 opinions, or abstracts thereof, with the use of the name of the
10 person advised unless such person requests otherwise in writing.
11 ~~The Attorney General shall be the legal counsel for the Oklahoma~~
12 ~~Merit Protection Commission and represent it when its decisions are~~
13 ~~appealed to higher courts. The Office of the Attorney General shall~~
14 ~~be legal counsel for and represent the Merit Protection Commission~~
15 ~~notwithstanding its representation of any other state department,~~
16 ~~agency, board or commission in the same or related matters pending~~
17 ~~before the Merit Protection Commission or before any court. The~~
18 ~~Attorney General shall establish internal administrative procedures~~
19 ~~to ensure that both such agencies are provided independent legal~~
20 ~~representation, and such simultaneous representation shall not, of~~
21 ~~itself, be deemed to constitute a conflict of interest. In the~~
22 ~~event the Attorney General determines an irreconcilable conflict of~~
23 ~~interest exists, to the extent that he is unable to provide~~
24 ~~simultaneous representation to both the Merit Protection Commission~~

1 ~~and another state department, agency, board or commission the~~
2 ~~provision of Section 18c-2 of this title shall apply.~~

3 SECTION 9. AMENDATORY 74 O.S. 2011, Section 840-1.18, as
4 amended by Section 869, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
5 2013, Section 840-1.18), is amended to read as follows:

6 Section 840-1.18 A. The administrative expenses and costs of
7 operating the ~~Merit~~ Career Service System shall be paid by the
8 various divisions of the state government included within the ~~Merit~~
9 Career Service System, and each such agency shall be authorized to
10 include in its budget estimates its pro rata share of such costs,
11 and shall remit such shares quarterly from departmental or agency
12 funds to the Office of Management and Enterprise Services who shall
13 deposit such shares to the credit of the General Revenue Fund of the
14 State Treasury.

15 B. The Director shall maintain accurate records reflecting the
16 costs of administering its provisions, and at the close of each
17 quarter-year period shall summarize said costs, and shall bill each
18 department or agency included within the terms of the Oklahoma
19 ~~Personnel~~ Career Service Act with a pro rata share of the
20 administrative costs based on the relationship between the quarterly
21 average number of employees in the ~~classified~~ career service of such
22 department or agency, and the quarterly average number of employees
23 in the ~~classified~~ career service of the state.

1 C. The Director shall separately categorize and estimate
2 expenditures and budget needs for other services performed which are
3 not appropriately charged to state agencies on a pro rata basis.

4 D. Any state agency for which the Director provides payroll
5 services shall pay for such services at a rate established by the
6 Director, which shall be based upon the cost to the Director of
7 providing such services. Each agency shall remit payment for such
8 services quarterly from departmental or agency funds to the Director
9 who shall deposit such payments into the Office of Management and
10 Enterprise Services Revolving Fund created in Section 840-1.20 of
11 this title.

12 E. No state disbursing or auditing officer shall make or
13 approve or take any part in making or approving any payment for
14 personal service to any person holding a position in the state
15 ~~classified~~ career service, brought under the Oklahoma ~~Personnel~~
16 Career Service Act unless the payroll voucher or account of such pay
17 bears the certification of the appointing authority or designee,
18 that the persons named therein have been appointed and employed in
19 accordance with the provisions of the Oklahoma ~~Personnel~~ Career
20 Service Act and the rules promulgated hereunder. The appointing
21 authority or designee may for proper cause withhold certification
22 from an entire payroll or from any specific item or items thereon.

23 Any citizen may maintain a suit to restrain a disbursing officer
24 from making any payment in contravention of any provision of the

1 Oklahoma ~~Personnel~~ Career Service Act or rules promulgated
2 hereunder. Any sum paid contrary to any provision of the Oklahoma
3 ~~Personnel~~ Career Service Act or any rule promulgated hereunder may
4 be recovered in an action maintained by any citizen, from any
5 officer who made, approved or authorized such payment or who signed
6 or countersigned a voucher, payroll, check or warrant for such
7 payment, or from the sureties on the official bond of any such
8 officer. All monies recovered in any such action shall be paid into
9 the State Treasury.

10 Any person appointed or employed in contravention of any
11 provision of the Oklahoma ~~Personnel~~ Career Service Act or any rules
12 or orders promulgated hereunder, whose employment is brought within
13 the terms of the Oklahoma ~~Personnel~~ Career Service Act, who performs
14 service for which he or she is not paid, may maintain an action
15 against the officer or officers who purported to appoint or employ
16 the person to recover the agreed pay for such services, or the
17 reasonable value thereof if no pay was agreed upon. No officer
18 shall be reimbursed by the state at any time for any sum paid to
19 such person on account of such services.

20 If the appointing authority or designee wrongfully withholds
21 certification of the payroll voucher or account of any employee,
22 such employee may maintain an action or proceeding in the courts to
23 compel the appointing authority or designee to certify such payroll
24 voucher or account.

1 SECTION 10. AMENDATORY 74 O.S. 2011, Section 840-1.19,
2 as amended by Section 9, Chapter 303, O.S.L. 2012 (74 O.S. Supp.
3 2013, Section 840-1.19), is amended to read as follows:

4 Section 840-1.19 It shall be the responsibility of each
5 appointing authority to distribute copies of the ~~Merit System of~~
6 ~~Personnel Administration~~ Career Service Rules for Employment
7 promulgated and published by the Office of Management and Enterprise
8 Services ~~or the Merit Protection Commission, respectively,~~ to all
9 ~~classified~~ career service employees at the request of ~~the Executive~~
10 ~~Director of the Commission or~~ the Director of the Office.

11 SECTION 11. AMENDATORY 74 O.S. 2011, Section 840-1.20,
12 as amended by Section 10, Chapter 303, O.S.L. 2012 (74 O.S. Supp.
13 2013, Section 840-1.20), is amended to read as follows:

14 Section 840-1.20 A. There is hereby created in the State
15 Treasury a revolving fund for the Office of Management and
16 Enterprise Services to be designated the "Human Capital Management
17 Revolving Fund". The fund shall be a continuing fund, not subject
18 to fiscal year limitations, for the purpose of paying the costs
19 incurred in performing the duties and functions imposed upon the
20 Office of Management and Enterprise Services and shall consist of
21 fees and all other monies received by the Office of Management and
22 Enterprise Services for providing training for a certified public
23 managers program, and all other monies received by the Office of
24 Management and Enterprise Services, except for appropriated monies

1 and monies received as payment for administrative expenses under
2 Section 840-1.18 of this title. All monies accruing to the credit
3 of the fund are hereby appropriated and may be budgeted and expended
4 by the Office of Management and Enterprise Services for defraying
5 the costs incurred in performing the duties and functions of the
6 Office. Expenditures from the fund shall be made upon warrants
7 issued by the State Treasurer against claims filed as prescribed by
8 law with the Director of the Office of Management and Enterprise
9 Services for approval and payment.

10 B. There is hereby created a petty cash fund not to exceed Two
11 Hundred Fifty Dollars (\$250.00) for the Office of Management and
12 Enterprise Services. The Director of the Office of Management and
13 Enterprise Services shall prescribe the rules and procedures for the
14 administration of the petty cash fund.

15 C. Any monies in or obligations against the Oklahoma Merit
16 Protection Commission Revolving Fund, Employee Benefits Revolving
17 Fund and the Benefits Council Administration Revolving Fund shall be
18 transferred to the Human Capital Management Revolving Fund. Funds
19 previously designated for deposit into the Oklahoma Merit Protection
20 Commission Revolving Fund, Employee Benefits Revolving Fund and the
21 Benefits Council Administration Revolving Fund shall be deposited
22 into the Human Capital Management Revolving Fund.

23 D. The Office of Management and Enterprise Services is hereby
24 directed to pay from the fund the costs of transcribing the record

1 of any proceeding before the Office of Management and Enterprise
2 Services, which record may be designated by an indigent respondent,
3 if such respondent first establishes indigent condition through
4 execution of an in forma pauperis affidavit upon a form approved by
5 the Office of Management and Enterprise Services; provided, that if
6 the indigent respondent has a financial recovery the fund shall be
7 reimbursed from the proceeds.

8 SECTION 12. AMENDATORY 74 O.S. 2011, Section 840-2.5, is
9 amended to read as follows:

10 Section 840-2.5 A. This section shall be known and may be
11 cited as the "Whistleblower Act". The purpose of the Whistleblower
12 Act is to encourage and protect the reporting of wrongful
13 governmental activities and to deter retaliation against state
14 employees for reporting those activities. No conviction of any
15 person shall be required to afford protection for any employee under
16 this section.

17 B. For purposes of this section, "agency" means any office,
18 department, commission or institution of the state government. No
19 officer or employee of any state agency shall prohibit or take
20 disciplinary action against employees of such agency, whether
21 subject to the provisions of the ~~Merit~~ Career Service System or in
22 ~~unclassified~~ executive service, for:

23
24

1 1. Disclosing public information to correct what the employee
2 reasonably believes evidences a violation of the Oklahoma
3 Constitution or law or a rule promulgated pursuant to law;

4 2. Reporting a violation of the Oklahoma Constitution, state
5 or federal law, rule or policy; mismanagement; a gross waste of
6 public funds; an abuse of authority; or a substantial and specific
7 danger to public health or safety;

8 3. Discussing the operations and functions of the agency,
9 either specifically or generally, with the Governor, members of the
10 Legislature, the print or electronic media or other persons in a
11 position to investigate or initiate corrective action; or

12 4. Taking any of the above actions without giving prior notice
13 to the employee's supervisor or anyone else in the employee's chain
14 of command.

15 C. Any person who has authority to take, direct others to take,
16 recommend or approve any personnel action shall not take or fail to
17 take any personnel action with respect to any employee for filing an
18 appeal or testifying on behalf of any person filing an appeal with
19 the ~~Oklahoma Merit Protection~~ Career Service Commission. This
20 section shall not be construed as prohibiting disciplinary action of
21 an employee who discloses information which the employee:

22 1. Knows to be false;

23 2. Knowingly and willfully discloses with reckless disregard
24 for its truth or falsity; or

1 3. Knows to be confidential pursuant to law.

2 D. Each state agency, department, institution, board and
3 commission in all branches of state government, including all
4 institutions in The Oklahoma State System of Higher Education, shall
5 prominently post or publish a copy of this section of law in
6 locations where it can reasonably be expected to come to the
7 attention of all employees.

8 E. As used in this section:

9 1. "Disciplinary action" means any direct or indirect form of
10 discipline, any dismissal, demotion, transfer, reassignment,
11 suspension, reprimand, admonishment, warning of possible dismissal,
12 reduction in force, reduction in rank, reduction in status, or
13 withholding of work;

14 2. "Probation" means that period of time, after an officer or
15 employee is found to have violated the provisions of this section
16 and corrective action is ordered, during which time that officer's
17 or employee's performance and conduct is being monitored by the
18 employing agency for further violations of the Oklahoma ~~Personnel~~
19 Career Service Act; and

20 3. "Mismanagement" means fraudulent activity, criminal misuse
21 of funds or abuse or violation of a well-established, articulated,
22 clear and compelling public policy.

23 F. An appeal to the ~~Oklahoma Merit Protection Commission~~ must
24 shall identify the person on whose behalf it is made. The person

1 making the appeal ~~must~~ shall provide the ~~Oklahoma Merit Protection~~
2 Commission with the name, address, and telephone number of the
3 person on whose behalf the appeal is made. The ~~Oklahoma Merit~~
4 ~~Protection~~ Commission personnel shall verify the authorization of
5 such appeal by the person on whose behalf the appeal is made. The
6 person claiming to be aggrieved has the responsibility to cooperate
7 with the Commission in the investigation. The failure to cooperate
8 in the investigation shall be grounds for dismissal of the appeal
9 filed on behalf of the aggrieved party.

10 G. Any state employee or former state employee aggrieved
11 pursuant to this section, or any authorized third-party state
12 employee who has actual knowledge of the discipline or retaliatory
13 act taken against the whistleblower, may file an appeal with the
14 ~~Oklahoma Merit Protection~~ Commission within sixty (60) days of the
15 alleged violation. The ~~Oklahoma Merit Protection Commission~~ Office
16 of Management and Enterprise Services shall promulgate rules ~~to~~
17 ~~establish procedures for the conduct of investigations. If, after~~
18 ~~investigation, the Executive Director determines a violation of this~~
19 ~~section may have occurred, the Executive Director shall appoint an~~
20 ~~administrative law judge to hear the case as provided for in Section~~
21 ~~840-6.6 of this title~~ for implementation of this section.

22 H. If, after the hearing, it is determined that a violation has
23 occurred, the Commission ~~or administrative law judge~~ shall order
24 corrective action pursuant to Section 840-6.6 of this title. Such

1 corrective action shall include, but not be limited to, suspension
2 without pay, demotion or discharge. Any employee found to have
3 violated this section of law, in addition to being suspended or
4 demoted, shall be placed on probation for six (6) months. Such
5 probation shall commence on the date of the final decision filed by
6 the Commission. Any employee who is determined to have violated the
7 Oklahoma ~~Personnel~~ Career Service Act, Section 840-1.1 et seq. of
8 this title, while serving said probation shall forfeit the position
9 of the person for one (1) year. Any employee, supervisor or
10 appointing authority of any state agency, whether subject to the
11 provisions of the ~~Merit~~ Career Service System of ~~Personnel~~ Human
12 Resources Administration or in ~~unclassified~~ executive service, who
13 knowingly and willfully violates the provisions of this section
14 shall forfeit the position of the person and be ineligible for
15 appointment to or employment in a position in state service for a
16 period of at least one (1) year and no more than five (5) years.
17 The decision of the Commission in such cases may be appealed by any
18 party pursuant to Article II of the Administrative Procedures Act.

19 SECTION 13. AMENDATORY 74 O.S. 2011, Section 840-2.9, is
20 amended to read as follows:

21 Section 840-2.9 A. No person in the state service, whether
22 subject to the provisions of the ~~Merit~~ Career Service System or in
23 ~~unclassified~~ executive service, shall be appointed to or demoted or
24 dismissed from any position in the state service, or in any way

1 favored or discriminated against with respect to employment in the
2 state service because of political or religious opinions or
3 affiliations, race, creed, gender, color or national origin or by
4 reason of any physical handicap so long as the physical handicap
5 does not render the employee unable to do the work for which he is
6 employed. The hiring of special disabled veterans pursuant to
7 Sections 401 through 404 of Title 72 of the Oklahoma Statutes shall
8 not constitute favoritism as herein prohibited.

9 B. No person shall use or promise to use, directly or
10 indirectly, any official authority or influence, whether possessed
11 or anticipated, to secure or attempt to secure for any person an
12 appointment or advantage in appointment to a position in the
13 classified service, or an increase in pay or other advantage in
14 employment in any such position, for the purpose of influencing the
15 vote or political action of any person, or for any consideration.
16 Letters of inquiry, recommendation and reference for public
17 employees by public officials shall not be considered official
18 authority or influence unless such letter contains a threat,
19 intimidation, or irrelevant, derogatory or false information.

20 C. No person shall make any false statement, certificate,
21 score, rating or report with regard to any test, certification or
22 appointment made under any provision of the Oklahoma ~~Personnel~~
23 Career Service Act or in any manner commit any fraud preventing the
24

1 implementation of the provisions of the Oklahoma ~~Personnel~~ Career
2 Service Act and rules made pursuant thereto.

3 D. No employee, ~~examiner~~ assessor or other person shall deny,
4 deceive or obstruct any person in his or her right to ~~examination~~
5 assessment, eligibility, certification or appointment or furnish to
6 any person any special or secret information for the purpose of
7 effecting the rights or prospects of any person with respect to
8 employment in the ~~classified~~ career service.

9 E. No person shall, directly or indirectly, give, render, pay,
10 offer, solicit or accept any money, service or other valuable
11 consideration for or as a result of any appointment, proposed
12 appointment, promotion or proposed promotion to or any advantage in,
13 a position in the ~~classified~~ career service or ~~unclassified~~
14 executive service.

15 F. Alleged violation of this section shall be reported ~~to the~~
16 ~~Oklahoma Merit Protection Commission~~ pursuant to the rules
17 promulgated by the Office of Management and Enterprise Services.

18 SECTION 14. AMENDATORY 74 O.S. 2011, Section 840-2.13,
19 as amended by Section 874, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2013, Section 840-2.13), is amended to read as follows:

21 Section 840-2.13 A. The Director of the Office of Management
22 and Enterprise Services shall establish a Personnel Management
23 Information System to provide various management reports to
24 facilitate decision making within agencies, and to promote the

1 efficient utilization of personnel resources by providing a method
2 for tracking, monitoring and reporting positions and employee
3 transactions. The System shall include information on both the
4 classified career and unclassified executive services within the
5 executive branch of government, but shall not require institutions
6 within The Oklahoma State System of Higher Education to participate.

7 B. The Director of the Office of Management and Enterprise
8 Services shall promulgate rules regarding the Personnel Management
9 Information System as necessary to implement the provisions of this
10 section. Such rules shall establish a schedule to ensure the
11 orderly implementation of such Personnel Management Information
12 System.

13 C. The Personnel Management Information System shall be
14 implemented for all state agencies under the Merit Career Service
15 ~~System by July 1, 1993, and for all other executive branch state~~
16 ~~agencies by July 1, 1994.~~

17 D. State agencies shall assist the Office of Management and
18 Enterprise Services as necessary to ensure the orderly completion of
19 implementation as provided for in this section.

20 E. Appointing authorities in the legislative or judicial
21 branches of state government may participate in the Personnel
22 Management Information System at their option.

23

24

1 SECTION 15. AMENDATORY 74 O.S. 2011, Section 840-2.14,
2 as amended by Section 875, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2013, Section 840-2.14), is amended to read as follows:

4 Section 840-2.14 A. The intent of the Legislature is to
5 increase individual agency skill and accountability in managing the
6 costs associated with personnel and in applying controls that will
7 enhance the ability of the State of Oklahoma to manage the overall
8 costs of human resources as efficiently as possible, while
9 continuing to maintain fairness to employees.

10 ~~B. All agencies, boards, and commissions shall report all~~
11 ~~reallocation decisions for both classified and unclassified~~
12 ~~positions and all adjustments to pay grades or salary assignments~~
13 ~~for classes in the unclassified service to the Office of Management~~
14 ~~and Enterprise Services on a semiannual basis. The Office of~~
15 ~~Management and Enterprise Services shall submit the semiannual~~
16 ~~reports to the Governor, the President Pro Tempore of the Senate,~~
17 ~~and the Speaker of the House of Representatives, along with an~~
18 ~~analysis of statewide~~ produce an electronic report on an annual
19 basis of all reallocation decisions for career service positions.

20 ~~C. All agencies, boards, and commissions shall report to the~~
21 ~~Office of Management and Enterprise Services on a semiannual basis~~
22 ~~all transactions in both the classified and unclassified service~~
23 ~~involving the establishment of new positions that have not been~~
24 ~~authorized specifically by legislative action. Agencies shall~~

1 ~~report the transactions for the six-month period ending June 30 or~~
2 ~~December 31.~~ The Office of Management and Enterprise Services shall
3 ~~forward the semiannual reports to the Governor, President Pro~~
4 ~~Tempore of the Senate, and Speaker of the House of Representatives,~~
5 ~~accompanied by an analysis of agency decisions concerning such~~
6 produce an electronic report on an annual basis of all transactions
7 in the career service and executive service involving the
8 establishment of new positions.

9 D. As a further control on human resource costs, the Governor
10 may declare a financial emergency or implement a freeze in hiring,
11 by declaring this section to be in effect. CompSource Oklahoma
12 shall not be subject to the provisions of this subsection. During
13 such periods, no audits of ~~classified~~ career service positions or
14 reallocation of ~~unclassified~~ executive service positions shall be
15 initiated or conducted at the request of an agency except at the
16 direction of the Governor. The provisions of the Oklahoma ~~Personnel~~
17 Career Service Act relating to agency-requested audits may be
18 suspended during such periods to the extent that they are in
19 conflict with this section. Provided, an audit at the request of an
20 employee who files a classification ~~grievance~~ complaint shall be
21 conducted during such periods in accordance with the provisions of
22 Section 840-4.3 of this title.

23 E. The Office of Management and Enterprise Services shall
24 establish due dates and specify the format for electronic reports

1 required by this section. Agencies that do not respond by the due
2 dates shall be identified in a special section of the ~~semiannual~~
3 annual analysis reports forwarded to the Governor, President Pro
4 Tempore of the Senate and Speaker of the House of Representatives.

5 F. The provisions of this section shall not be construed to
6 suspend the responsibility of any agency to ensure that the duties
7 and responsibilities assigned to an employee are consistent with the
8 current classification of the employee.

9 SECTION 16. AMENDATORY 74 O.S. 2011, Section 840-2.16,
10 is amended to read as follows:

11 Section 840-2.16 Except as otherwise provided by law, any
12 ~~classified career, unclassified executive~~ or exempt employee of the
13 state, excluding members of boards and commissions, institutions
14 under the administrative authority of the Oklahoma State Regents for
15 Higher Education, employees of public school districts and elected
16 officials, on July 1 of each year, earning less than the amount
17 established in the Federal Poverty Guidelines for a three-person
18 household, issued each year in the Federal Register by the United
19 States Department of Health and Human Services, shall receive the
20 necessary grade or salary adjustment to provide for a minimum
21 annualized salary equal to the amount established in the Federal
22 Poverty Guidelines for a three-person household, issued each year in
23 the Federal Register by the United States Department of Health and
24 Human Services. Any ~~classified career, unclassified executive~~ or

1 exempt employee of the state, excluding members of boards and
2 commissions, institutions under the administrative authority of the
3 Oklahoma State Regents for Higher Education, employees of public
4 school districts and elected officials, employed after July 1, 2007,
5 shall receive a minimum annualized salary equal to the amount
6 established in the Federal Poverty Guidelines for a three-person
7 household, issued each year in the Federal Register by the United
8 States Department of Health and Human Services. This section shall
9 not apply to those persons employed pursuant to ~~paragraph 8 and~~
10 ~~paragraph 12 of subsection A of~~ Section 840-5.5 and Section 2241 of
11 this title or those persons employed pursuant to Section 1.6a of
12 Title 53 of the Oklahoma Statutes.

13 SECTION 17. AMENDATORY 74 O.S. 2011, Section 840-2.19,
14 as amended by Section 878, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2013, Section 840-2.19), is amended to read as follows:

16 Section 840-2.19 A. The Director of the Office of Management
17 and Enterprise Services shall not approve any payroll claim for
18 payment for any agency unless said claim contains or is accompanied
19 by the certification by the administrative head of said agency or an
20 authorized employee of said agency that the persons named in said
21 claim have been appointed and employed in accordance with the
22 provisions of the Oklahoma ~~Personnel~~ Career Service Act and the
23 rules and orders promulgated pursuant to the provisions of the
24 Oklahoma ~~Personnel~~ Career Service Act. For purposes of this

1 section, "payroll claim" shall also include longevity payments made
2 pursuant to Section 840-2.18 of this title.

3 B. If, as a result of a payroll audit, the Office of Management
4 and Enterprise Services finds that an agency has made payments of
5 salaries or wages contrary to the provisions of the Oklahoma
6 ~~Personnel~~ Career Service Act and the rules promulgated pursuant to
7 the provisions of the Oklahoma ~~Personnel~~ Career Service Act:

8 1. Audit findings shall be promptly transmitted to the
9 appointing authority of the agency certifying the payroll claim or
10 claims involved;

11 2. An audit conference with said agency shall be scheduled
12 within fifteen (15) days, at which time the audit exceptions will be
13 resolved or become a determination of error unless the parties to
14 the conference agree to a further review;

15 3. If underpayments or overpayments made by said agency are
16 deemed to be the result of administrative error, the agency which
17 certified the payroll claim or claims in error shall refund to the
18 employee the balance of the actual amounts due and owing to the
19 payee or shall seek repayment from the payee of any amount paid in
20 excess of the actual amount due and owing the payee;

21 4. If an agency neglects or refuses to seek repayment after a
22 determination that an error in payroll amount or amounts has been
23 made, or to properly adjust a then current salary or wage, the
24 Director of the Office of Management and Enterprise Services shall

1 note an unresolved audit exception stating the agency involved and
2 the person to whom said exception refers;

3 5. Upon receipt of notification that a procedure to initiate
4 repayment has been instituted by the certifying agency or that a
5 protest has been filed with the ~~Oklahoma Merit Protection Commission~~
6 Office of Management and Enterprise Services, said notice shall be
7 withdrawn or waived by the Director of the Office of Management and
8 Enterprise Services. Implementation of procedures provided in this
9 section shall not operate to deny or delay payment of proper
10 salaries or wages to any employee of this state;

11 6. The provisions of this section regarding collections of any
12 overpayment of salaries or wages by any agency to any state employee
13 or officer shall not include any such overpayment made prior to July
14 1, 1983;

15 7. Recovery of overpayments from an employee shall include all
16 overpayments occurring within one (1) year prior to the
17 determination of error. Disbursement of underpayments to an
18 employee shall include all underpayments made within a period of two
19 (2) years prior to the determination of error; and

20 8. If an agency discovers overpayment or underpayment errors
21 through an internal audit, the agency shall recover overpayments
22 from the employee or disburse underpayment amounts in accordance
23 with this section. Prior to initiation of recovery of overpayments
24

1 from an employee, the agency shall provide the employee with
2 adequate notice and an opportunity to respond.

3 C. The Director of the Office of Management and Enterprise
4 Services shall not approve any payroll claim for payment for any
5 agency for which a notification of an unresolved audit exception
6 pursuant to this section has been filed, unless the person named in
7 the audit exception has been removed from the payroll by the
8 certifying agency, the overpayment has been converted by the agency,
9 or the exception has been withdrawn or waived in writing by the
10 Office of Management and Enterprise Services.

11 D. Any sum on a payroll claim found to have been paid in excess
12 of the actual amount due and owing may be recovered from the payee
13 through the following procedures:

14 1. Upon the determination that an error in payroll amount has
15 been made, the agency which certified the claim or claims shall
16 notify the payee in writing within ten (10) days from said
17 determination. The notice to the payee shall contain:

- 18 a. the amounts paid in error,
- 19 b. the dates of said payments,
- 20 c. the options available for repayment, and
- 21 d. the right of the payee to protest the findings.

22 Said notice shall also provide space for the payee to indicate
23 an election of a repayment option or to protest the findings. Said
24

1 election shall be required within thirty (30) days after the
2 notification;

3 2. If the payee is, at the time of said notification, an
4 officer or employee of the agency seeking repayment, options
5 available for repayment shall be by:

6 a. lump-sum cash repayment,

7 b. reduction of the corrected current salary or
8 miscellaneous payroll deduction in a lump sum or in
9 installments over a term not to exceed the term in
10 which the erroneous payments were made,

11 c. reduction in accrued annual leave by an amount of time
12 at the then current correct salary level equal in
13 value to the total of the amount or amounts to be
14 repaid, or

15 d. any combination thereof;

16 3. If the payee is, at the time of said notification, an
17 officer or employee of an agency of the state other than the agency
18 seeking repayment, the options provided by paragraph 2 of this
19 subsection may be exercised by the payee with the approval of the
20 then current employing agency. Payment of amounts deducted or
21 charged against annual leave shall be paid to the agency seeking
22 repayment by an appropriate miscellaneous claim for interagency
23 payment. If a payroll deduction is elected pursuant to the
24 provisions of this paragraph and employment is subsequently

1 terminated, any balance remaining shall be deducted from any final
2 payment otherwise due to the employee;

3 4. If a payee who is, at the time of said notification, a
4 ~~permanent-classified~~ career service officer or employee of any
5 agency of this state protests the determination of the error or the
6 amount of said determination, the agency seeking repayment shall
7 present, within five (5) days of the return of said protest, the
8 facts in writing, the notice, and the protest of the payee, to the
9 ~~Oklahoma Merit Protection Commission~~ Office of Management and
10 Enterprise Services. The ~~Oklahoma Merit Protection Commission~~
11 Office of Management and Enterprise Services shall treat any such
12 protest as a complaint pursuant to Section 840-1.9 of this title.
13 The ~~Commission and Executive Director, after investigation and~~
14 ~~hearing,~~ Office of Management and Enterprise Services shall make a
15 determination which shall be binding on the agency. The salary or
16 wages of any payee exercising the right to the protest shall not be
17 suspended or reduced until a determination has been issued by the
18 ~~Oklahoma Merit Protection Commission and Executive Director~~ Office
19 of Management and Enterprise Services;

20 5. If the payee is no longer an employee of the state but
21 agrees to repay the amount or amounts paid in error, repayment may
22 be accepted:

23 a. by lump-sum cash repayment, or
24

1 b. in installments over a period not to exceed twelve
2 (12) months;

3 6. If the payee is no longer an employee of the state, and does
4 not respond or cannot be located within ten (10) days after mailing
5 of the determination of error, or refuses repayment, the agency
6 seeking repayment shall present the facts in writing to the Attorney
7 General and shall send a copy to the Office of Management and
8 Enterprise Services. The Attorney General shall determine what
9 action may be taken to recover said amount; and

10 7. Repayments other than by reduction in present salary or
11 reduction in accrued annual leave for a payee currently employed by
12 the agency seeking repayment shall be deposited in the General
13 Revenue Fund unless the fund to which the amount in error was
14 originally charged can be identified and was other than a General
15 Revenue Fund appropriation. Said deposits shall be treated as
16 nonrevenue receipts.

17 SECTION 18. AMENDATORY 74 O.S. 2011, Section 840-2.21,
18 as amended by Section 881, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2013, Section 840-2.21), is amended to read as follows:

20 Section 840-2.21 A. If a state employee, whether in the
21 ~~classified~~ career service or ~~unclassified~~ executive service, is
22 absent because of an illness or injury arising out of and sustained
23 in the course of his or her employment with the state, and for which
24 workers' compensation benefits have been filed, the employing agency

1 shall place the employee on leave without pay if the employee so
2 requests; provided, leave without pay pursuant to this section shall
3 not for any purpose be considered a break in service.

4 B. An employee who sustains an illness or injury arising out of
5 and sustained in the course of employment with the State of Oklahoma
6 shall not be required to use either accumulated sick or annual leave
7 during such period prior to being placed on leave without pay
8 pursuant to this section.

9 C. An employee placed on leave without pay pursuant to the
10 provisions of this section shall continue receiving basic plan
11 insurance coverage as defined in Section 1363 of this title and
12 dependent insurance benefit allowance pursuant to paragraph 2 of
13 subsection C of Section 1370 of this title paid by the agency during
14 the leave without pay.

15 D. An employee on leave without pay pursuant to the provisions
16 of this section shall have the right to be returned to his or her
17 original position in accordance with rules promulgated by the Office
18 of Management and Enterprise Services. If it is found necessary for
19 the good of the state to fill the position during the period the
20 employee is on leave without pay the employee filling the position
21 shall vacate the position upon the return of the employee on leave
22 without pay, subject to layoff, transfer or demotion rights earned
23 under the Oklahoma ~~Personnel~~ Career Service Act and rules of the
24 Office of Management and Enterprise Services. The right to return

1 to the original position shall expire one (1) year from the date of
2 the start of leave without pay. The employee may be separated in
3 accordance with the Oklahoma ~~Personnel~~ Career Service Act and Office
4 of Management and Enterprise Services Rules if the employee has not
5 returned to the original position of the employee or some other
6 position within the agency within one (1) year from the date of the
7 start of leave without pay.

8 E. An employee on leave without pay pursuant to the provisions
9 of this section shall provide a medical statement as to his or her
10 ability to perform the duties of the position to the appointing
11 authority at least every three (3) months.

12 F. If the employee becomes medically able with reasonable
13 accommodation to perform the duties of his or her original position,
14 the employee shall be returned to such position. If the employee is
15 unable to perform the duties of the original position with
16 reasonable accommodation, but is medically able with reasonable
17 accommodation to perform the duties of any other position within the
18 agency for which the employee is qualified, and appointment to such
19 other position does not constitute a promotion, the employee shall
20 have first preference for any such position which becomes vacant
21 within the agency, notwithstanding any other preference provisions
22 of the Oklahoma Personnel Act or of other laws of the State of
23 Oklahoma. An employee accepting another position pursuant to this
24 subsection shall not forfeit his or her right to be returned to the

1 original position within twelve (12) months after the start of leave
2 without pay pursuant to the provisions of subsection D of this
3 section.

4 G. An ill or injured employee shall be eligible to participate
5 in the Disability Insurance Program established pursuant to the
6 provisions of Section 1331 et seq. of this title in accordance with
7 rules promulgated by the Office of Management and Enterprise
8 Services.

9 H. All benefits, rights, and obligations contained in this
10 section shall continue during the time the employee remains on leave
11 without pay status, for a continuous period not to exceed twelve
12 (12) months. However, if a workers' compensation claim based on
13 such illness or injury is denied during the twelve-month period, all
14 benefits, rights and obligations conferred upon an employee pursuant
15 to this section shall cease and be discontinued immediately.

16 I. A classified employee who is separated pursuant to
17 subsection D of this section shall be eligible for reinstatement to
18 employment with any state agency for twelve (12) months after the
19 date of separation whether in the ~~classified~~ career service or
20 ~~unclassified~~ executive service in accordance with rules adopted by
21 the Director of the Office of Management and Enterprise Services
22 provided the employee is qualified for the position to which
23 reinstated. An ~~unclassified~~ employee in executive service who is
24 separated pursuant to subsection D of this section shall be eligible

1 for reinstatement to ~~unclassified~~ executive service employment with
2 any state agency for twelve (12) months after the date of separation
3 in accordance with rules promulgated by the Director of the Office
4 of Management and Enterprise Services provided the employee is
5 qualified for the position to which reinstated. Nothing in this
6 subsection shall be construed to compel or require any agency of the
7 state to reinstate a former employee who is separated pursuant to
8 subsection D of this section. Further, nothing in this subsection
9 shall be construed as limiting or reducing a former employee's
10 eligibility for reinstatement pursuant to other general
11 reinstatement or reemployment provisions in rules promulgated by the
12 Director.

13 SECTION 19. AMENDATORY 74 O.S. 2011, Section 840-2.25,
14 is amended to read as follows:

15 Section 840-2.25 A. A ~~permanent classified~~ career service
16 employee or a ~~regular unclassified~~ executive service employee shall
17 be entitled to take leave with pay ~~for~~ not to exceed three (3) days
18 a year to attend meetings of job-related professional organizations
19 of which the employee is a member upon receiving permission from the
20 appointing authority. The denial by an appointing authority or
21 organizational leave shall be in writing and state the reasons for
22 denying said leave.

23 B. The leave authorized by this section shall not be used for
24 lobbying activities which include the lobbying of legislative or

1 executive branch elected officials within state-owned or leased
2 buildings.

3 SECTION 20. AMENDATORY 74 O.S. 2011, Section 840-2.27B,
4 is amended to read as follows:

5 Section 840-2.27B As used in Sections 840-2.27B through ~~840-~~
6 ~~2.27G~~ 840-2.27I of this title:

7 1. "Affected job family levels" means those containing affected
8 positions;

9 2. "Affected employees" means ~~classified~~ career service
10 employees in affected positions;

11 3. "Affected positions" means positions being abolished or
12 positions which are subject to displacement action;

13 4. "Agency" means any office, department, board, commission, or
14 institution of all branches of state government, except for
15 institutions within The Oklahoma State System of Higher Education;

16 5. "Displacement" or "displace" means the process of an
17 employee accepting an offer of employment to an occupied or funded
18 vacant position;

19 6. "Displacement limit" means any area within an agency in
20 which displacement may not occur. These areas may include, but are
21 not limited to, job families, units, and geographic areas within an
22 agency;

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1 7. "Displacement opportunity" means the circumstances under
2 which an occupied or funded vacant position is subject to
3 displacement by an affected employee;

4 8. "Displacement privilege" means the privilege an affected
5 employee has to utilize a displacement opportunity;

6 9. "Educational institution" means an institution within The
7 Oklahoma State System of Higher Education, a facility under the
8 management or control of the Oklahoma Department of Career and
9 Technology Education, or a licensed private educational institution
10 in the State of Oklahoma;

11 10. "Personnel transaction" means the record of the separation
12 as a result of a reduction-in-force of a ~~classified~~ career service
13 affected employee from an agency, or the record of the transfer or
14 demotion of a ~~classified~~ career service affected employee;

15 11. "Reduction-in-force" means abolition of positions in an
16 agency or part of an agency and the corresponding nondisciplinary
17 removal of affected employees from such positions through separation
18 from employment or through displacement to other positions.
19 Reduction-in-force may also include reorganizations;

20 12. "Reorganization" means the planned elimination, addition or
21 redistribution of functions or duties either wholly within an
22 agency, any of its subdivisions, or between agencies;

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1 13. "Severance benefits" means employee benefits provided by
2 the State Government Reduction-in-Force and Severance Benefits Act
3 to affected employees separated through a reduction-in-force; and

4 14. "Years of service" means current and prior service which is
5 creditable for the Longevity Pay Plan. An affected employee shall
6 not be required to have been continuously employed for two (2) years
7 to be given credit for either current or prior service pursuant to
8 the State Government Reduction-in-Force and Severance Benefits Act.

9 SECTION 21. AMENDATORY 74 O.S. 2011, Section 840-2.27C,
10 as amended by Section 884, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
11 2013, Section 840-2.27C), is amended to read as follows:

12 Section 840-2.27C A. At least sixty (60) days before the
13 scheduled beginning of reduction-in-force separations or as
14 otherwise provided by law, the appointing authority shall post in
15 each office of executive branch agencies affected by the proposed
16 reduction-in-force notice that a reduction-in-force will be
17 conducted in accordance with the Oklahoma ~~Personnel~~ Career Service
18 Act and ~~Merit rules~~ Career Service Rules for Employment. The
19 reduction-in-force implementation plan shall be provided to the
20 Director of the Office of Management and Enterprise Services and any
21 state employee association representing state employees at such
22 time. The notice shall not be posted unless approved by the cabinet
23 secretary for the agency conducting the reduction-in-force. If
24 there is no incumbent cabinet secretary for the agency, the cabinet-

1 secretary-notice-approval requirement shall not be applicable. If
2 the appointing authority is governed by an elected official, the
3 cabinet-secretary-notice-approval requirement shall not be
4 applicable. The approved notice shall be posted in each office
5 affected by the proposed plan for five (5) days. The appointing
6 authority shall provide a copy of the notice to the Administrator.
7 A reduction-in-force shall not be used as a disciplinary action.

8 B. The reduction-in-force implementation plan and subsequent
9 personnel transactions directly related to the reduction-in-force in
10 executive branch agencies shall be in compliance with rules adopted
11 by the Administrator. The reduction-in-force implementation plan,
12 including the description of and reasons for displacement limits and
13 protections from displacement actions, and severance benefits that
14 will be offered pursuant to Section 840-2.27D of this title shall be
15 posted in each office affected by the plan within five (5) business
16 days after posting of the reduction-in-force notice. The reduction-
17 in-force implementation plan shall:

18 1. Provide for the appointing authority to determine the
19 specific position or positions to be abolished within specified
20 units, divisions, facilities, agency-wide or any parts thereof;

21 2. Provide for retention of affected employees based on type of
22 appointment;

23 3. Require the separation of probationary ~~classified~~ career
24 service affected employees in affected job family levels, except

1 those affected employees on probationary status after reinstatement
2 from permanent ~~classified~~ career service status without a break in
3 service, prior to the separation or displacement of any permanent
4 ~~classified~~ career service affected employee in an affected job
5 family level;

6 4. Provide for retention of permanent ~~classified~~ career service
7 affected employees in affected job family levels and those affected
8 employees on probationary status after reinstatement from permanent
9 ~~classified~~ career service status without a break in service based
10 upon consideration of years of service;

11 5. Provide for exercise of displacement opportunities by
12 permanent ~~classified~~ career service affected employees and those
13 affected employees on probationary status after reinstatement from
14 permanent ~~classified~~ career service status without a break in
15 service if any displacement opportunities exist; and

16 6. Provide outplacement assistance and employment counseling
17 from the Oklahoma Employment Security Commission and any other
18 outplacement assistance and employment counseling made available by
19 the agency to affected employees regarding the options available
20 pursuant to the State Government Reduction-in-Force and Severance
21 Benefits Act prior to the date that a reduction-in-force is
22 implemented.

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1 C. If an agency implements a reduction-in-force then it shall
2 give a veteran's preference over affected nonveterans who have equal
3 retention points to the affected veteran.

4 D. The Director of the Office of Management and Enterprise
5 Services shall review the fiscal components of the reduction-in-
6 force implementation plan and within five (5) business days of
7 receipt reject any plan that does not:

8 1. Demonstrate that funds are available to cover projected
9 costs;

10 2. Contain an estimate of the number of affected employees
11 likely to participate in the education voucher program established
12 in Section 840-2.27D of this title; and

13 3. Contain an estimate of the cost savings or reduced
14 expenditures likely to be achieved by the agency.

15 If the reduction-in-force is conducted pursuant to a
16 reorganization, the fiscal components of the reduction-in-force
17 implementation plan shall contain reasons for the reorganization,
18 which may include, but not be limited to, increased efficiency,
19 improved service delivery, or enhanced quality of service.

20 E. The appointing authority may limit displacement of affected
21 employees at the time of a reduction-in-force. Displacement limits
22 shall not be subject to the approval of the Administrator. Any
23 limitation shall be based upon reasonable, written, articulated
24 criteria as certified by the appointing authority. If displacement

1 is limited, the appointing authority shall take action to avoid or
2 minimize any adverse impact on minorities or women.

3 1. The appointing authority may protect from displacement
4 action up to twenty percent (20%) of projected post-reduction-in-
5 force employees in affected positions within displacement limits;
6 provided, that any fractional number resulting from the final
7 mathematical calculation of the number of those positions shall be
8 rounded to the next higher whole number. The appointing authority
9 must explain why affected employees are being protected.

10 2. If the affected employee has not held within the last five
11 (5) years a position in the job family level or predecessor class in
12 which the affected employee is otherwise eligible for a displacement
13 opportunity, the appointing authority may determine that the
14 affected employee does not possess the recent relevant experience
15 for the position and deny in writing the displacement opportunity.

16 3. An affected permanent ~~classified~~ career service employee may
17 exercise a displacement privilege, if one exists, if the affected
18 employee has received an overall rating of at least "meets
19 standards", or its equivalent, on the most recent annual service
20 rating. If an affected employee has not been rated in accordance
21 with the time limits established in Section 840-4.17 of this title,
22 the employee shall be deemed to have received an overall rating of
23 at least "meets standards" or its equivalent on the most recent
24 service rating.

1 4. An affected employee who exercises a displacement privilege
2 pursuant to this section shall:

3 a. be required, as a condition of continued employment by
4 the agency, to sign an agreement, in a form to be
5 prescribed by the Director of the Office of Management
6 and Enterprise Services, acknowledging that the
7 employee had an opportunity to receive severance
8 benefits and affirmatively elected to exercise a
9 displacement privilege and to forego such benefits.

10 An affected employee who signs the agreement required
11 by this subparagraph waives any privilege which might
12 otherwise have been available to the affected employee
13 pursuant to the agreement for the provision of
14 severance benefits, and

15 b. not have the right to exercise any subsequent right to
16 receive severance benefits from the agency for which
17 the affected employee performs services on the date
18 that the employee exercises a displacement privilege.
19 The provisions of this section shall not prohibit any
20 person from exercising a displacement privilege in, or
21 accepting severance benefits from, more than one
22 agency during employment with the State of Oklahoma or
23 from the agency which the affected employee exercised
24

1 a displacement privilege in any future reduction-in-
2 force.

3 F. An affected employee who does not agree pursuant to Section
4 840-2.27E of this title to accept severance benefits and who does
5 not have a displacement opportunity or does not accept a
6 displacement opportunity shall be separated by the reduction-in-
7 force and shall not receive any severance benefits that would have
8 otherwise been provided pursuant to Section 840-2.27D of this title.

9 G. Permanent ~~classified~~ career service affected employees and
10 those affected employees on probationary status after reinstatement
11 from permanent ~~classified~~ career service status without a break in
12 service who were removed from a job family level by taking a
13 position in another job family level through displacement or
14 separated after foregoing severance benefits shall be recalled by
15 the agency to the job family level from which they were removed in
16 inverse order of removal before the agency may appoint other persons
17 to the job family level, from the employment ~~register~~ lists, by
18 internal action or from Priority Reemployment Consideration Rosters
19 as provided by this section. Upon declination of an offer of
20 reappointment to the job family level from which the employee was
21 removed or eighteen (18) months after the date of removal from the
22 job family level, whichever is first, this right to be recalled
23 shall expire.

1 H. The names of permanent ~~classified~~ career service affected
2 employees and those affected employees ~~on probationary status~~ after
3 reinstatement from permanent ~~classified~~ career service status
4 without a break in service who have been separated pursuant to the
5 State Government Reduction-in-Force and Severance Benefits Act, who
6 apply and meet all requirements for state jobs in the ~~classified~~
7 career service shall be placed on Priority Reemployment
8 Consideration Rosters for a maximum of eighteen (18) months after
9 the date of separation. Before any vacant position is filled by any
10 individual eligible for initial appointment from the employment
11 ~~register~~ lists, individuals on the Priority Reemployment
12 Consideration Rosters shall be given priority consideration for
13 reemployment by any state agency within eighteen (18) months after
14 the date of the reduction-in-force. Upon declination of an offer of
15 reemployment to a job family level having the same or higher pay
16 band than the job family level from which the employee was removed,
17 or eighteen (18) months after the date of separation, whichever is
18 first, this priority consideration for reemployment shall expire.
19 If an agency has posted a reduction-in-force plan and implementation
20 schedule, all affected employees in positions covered by the plan
21 and any within the displacement limits established by the appointing
22 authority of the agency who have been separated shall be eligible
23 for priority reemployment consideration.

24

1 I. If an agency or any part thereof is scheduled to be closed
2 or abolished as a result of legislation or a court order, the
3 affected employees, who would be eligible for Priority Reemployment
4 Consideration after their separation in accordance with subsection H
5 of this section, may apply and, if qualified and eligible, shall be
6 accorded Priority Reemployment Consideration not to exceed twelve
7 (12) months before the scheduled date of separation. If an agency
8 has posted a reduction-in-force plan and implementation schedule,
9 all affected employees in positions covered by the plan and any
10 within the displacement limits established by the appointing
11 authority of the agency shall be eligible for Priority Reemployment
12 Consideration beginning with the date the schedule is posted, not to
13 exceed twelve (12) months before the scheduled date of separation.

14 J. When the Legislature is not in session, the Contingency
15 Review Board may, upon the request of the Governor, direct agencies,
16 boards and commissions to reduce the number of employees working for
17 the agency, board or commission whenever it is deemed necessary and
18 proper. Such reduction shall be made pursuant to reduction-in-force
19 plans as provided in this section.

20 K. 1. When the Legislature is not in session, the Contingency
21 Review Board may, upon the request of the Governor, direct and
22 require mandatory furloughs for all state employees whenever it is
23 deemed necessary and proper. The Contingency Review Board shall
24 specify the effective dates for furloughs and shall note any

1 exceptions to state employees affected by same. All ~~classified~~
2 career service, unclassified, executive service or exempt or
3 ~~nonmerit~~ employees, including those employees of agencies or offices
4 established by statute or the Constitution, shall be affected by
5 such actions.

6 2. Mandatory furlough means the involuntary temporary reduction
7 of work hours or the placement of an employee on involuntary leave
8 without pay. Rules governing leave, longevity pay and participation
9 in the State Employees Group Health, Dental, Disability, and Life
10 Insurance program shall not be affected by mandatory furloughs.
11 Furlough, as provided for in this section or by rules adopted by the
12 Director of the Office of Management and Enterprise Services, shall
13 not be appealable under the provisions of the Oklahoma ~~Personnel~~
14 Career Service Act.

15 3. Notwithstanding existing laws or provisions to the contrary,
16 members of state boards and commissions shall not receive per diem
17 expenses during periods of mandatory furlough. The Contingency
18 Review Board shall additionally call upon elected officials, members
19 of the judiciary, and other public officers whose salary or
20 emoluments cannot be altered during current terms of office, to
21 voluntarily donate to the General Revenue Fund any portion of their
22 salary which would otherwise have been affected by a mandatory
23 furlough.

24

1 L. All agencies directed by the Contingency Review Board to
2 terminate or furlough employees, shall report the cumulative cost
3 savings achieved by the reductions-in-force or furloughs to the
4 Governor, President Pro Tempore of the Senate and Speaker of the
5 House of Representatives on a quarterly basis for one (1) year
6 following the effective date of the action.

7 M. The appointing authority of an agency which has an approved
8 reduction-in-force plan pursuant to the State Government Reduction-
9 in-Force and Severance Benefits Act may request the Director of the
10 Office of Management and Enterprise Services to appoint an
11 interagency advisory task force for the purpose of assisting the
12 agency and its employees with the implementation of the reduction-
13 in-force. The appointing authority of state agencies requested by
14 the Administrator to participate on a task force shall assign
15 appropriate administrative personnel necessary to facilitate the
16 necessary assistance required for the efficient implementation of
17 the approved reduction-in-force.

18 SECTION 22. AMENDATORY 74 O.S. 2011, Section 840-2.27D,
19 as amended by Section 885, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2013, Section 840-2.27D), is amended to read as follows:

21 Section 840-2.27D A. Agencies shall provide severance benefits
22 to affected employees who are separated from the state service as a
23 result of a reduction-in-force due to a reorganization or any other
24 action by an agency which results in affected positions being

1 abolished and affected employees being severed from the state
2 service. Severance benefits shall be given to the following
3 categories of affected employees: permanent ~~classified~~ career
4 service affected employees and affected employees on probationary
5 status after reinstatement from permanent ~~classified~~ career service
6 status without a break in service; provided, however, affected
7 employees of the University Hospitals Authority must have been
8 continuously employed in the state service since on or before
9 January 1, 1995, to receive severance benefits. Pursuant to this
10 section and Section 840-5.1A of this title, state agencies may
11 provide severance benefits provided by this subsection to regular
12 ~~unclassified~~ executive service employees with one (1) year or more
13 continuous state service who are separated from the state service
14 for budgetary reasons; however, state agencies shall offer regular
15 ~~unclassified~~ executive service state employees with one (1) year or
16 more continuous state service who are separated from the state
17 service the same severance benefit as the affected employees in a
18 reduction-in-force if the ~~unclassified~~ executive service employees'
19 separation is as a result of the conditions causing the agency to
20 implement a reduction-in-force. Affected employees who qualify for
21 severance benefits pursuant to this section, in addition to the
22 payment of any compensable accrued leave or other benefits an
23 affected employee is eligible to receive upon separation from the
24

1 state service, shall receive severance benefits consisting of the
2 following elements:

3 1. All agency severance benefits shall provide the following:

4 a. payment equal to the affected employee's current
5 health insurance premium for the affected employee
6 only for eighteen (18) months based on the cost of the
7 premium at the time of the reduction-in-force. The
8 appointing authority of the agency can ask the
9 Director of the Office of Management and Enterprise
10 Services to waive the severance benefit provision in
11 this subparagraph or to reduce the length of coverage
12 or subsequent severance benefit payment upon
13 demonstration of the agency's inability to fund the
14 full benefit,

15 b. a longevity payment, as prescribed by Section 840-2.18
16 of this title, in the amount which would otherwise be
17 paid to the affected employee on the affected
18 employee's next anniversary date. For the purposes of
19 this subparagraph, the University Hospitals Authority
20 shall calculate longevity for affected employees who
21 were members of the University Hospitals Authority
22 Model Personnel System pursuant to Section 3211 of
23 Title 63 of the Oklahoma Statutes for all state
24

1 service as would otherwise be determined by Section
2 840-2.18 of this title, and

- 3 c. outplacement assistance and employment counseling
4 prior to and after the reduction-in-force from the
5 Oklahoma Employment Security Commission and other
6 state or private entities that the entity may contract
7 with to assist individuals who may be impacted by a
8 reduction-in-force; and

9 2. In addition to the severance benefits provided by paragraph
10 1 of this subsection, agencies may give affected employees, except
11 as otherwise provided by paragraph 3 of this subsection, severance
12 benefit packages based on any combination of the following options,
13 provided that all affected employees who receive severance benefits
14 in the reduction-in-force shall be accorded uniform treatment
15 pursuant to the State Government Reduction-in-Force and Severance
16 Benefits Act:

- 17 a. up to one (1) week of pay, calculated by dividing the
18 affected employee's current annual salary by the whole
19 number fifty-two (52), for each year of service,
20 b. a maximum lump-sum payment of Five Thousand Dollars
21 (\$5,000.00), and
22 c. payment for accumulated sick leave or extended illness
23 benefits at up to one-half (1/2) of the affected
24

1 employee's hourly rate not otherwise used pursuant to
2 law for conversion to credited retirement credit; and

3 ~~3. An affected employee may direct payment of all or a portion~~
4 ~~of the affected employee's severance benefits to the options~~
5 ~~authorized by this paragraph by exercising an option to receive~~
6 ~~education vouchers for use in connection with the Reduction-in-Force~~
7 ~~Education Voucher Action Fund subject to the following requirements~~
8 ~~and rules of the Director of the Office of Management and Enterprise~~
9 ~~Services, provided that the agency offers to match employee~~
10 ~~severance funds pursuant to this paragraph. In such case:~~

11 a. ~~the affected employee may purchase One Dollar (\$1.00)~~
12 ~~in voucher credit for each One Dollar (\$1.00)~~
13 ~~contributed by the affected employee to the fund~~
14 ~~subject to a maximum affected employee contribution of~~
15 ~~Three Thousand Dollars (\$3,000.00) which may be~~
16 ~~matched by a maximum agency contribution of Three~~
17 ~~Thousand Dollars (\$3,000.00); provided, that the~~
18 ~~agency contribution shall not exceed the contribution~~
19 ~~of the affected employee,~~

20 b. ~~the affected employee may pay the cost for the voucher~~
21 ~~program directly, subject to the requirements of~~
22 ~~subparagraph a of this paragraph, or the employing~~
23 ~~agency of the affected employee may pay the cost of~~
24 ~~the voucher from funds which would otherwise have been~~

1 ~~used to make payments to the displaced affected~~
2 ~~employee pursuant to an election by the affected~~
3 ~~employee to receive severance benefits,~~

4 ~~e. no voucher issued pursuant to the provisions of this~~
5 ~~paragraph shall:~~

6 ~~(1) be redeemed by the affected employee for cash or~~
7 ~~anything of value other than the cost of tuition~~
8 ~~and fees at a public or private educational~~
9 ~~institution within the State of Oklahoma, or~~

10 ~~(2) be valid longer than a period of four (4) years~~
11 ~~from the date upon which the voucher is issued to~~
12 ~~the affected employee,~~

13 ~~d. the Director of the Office of Management and~~
14 ~~Enterprise Services shall pay tuition and fees~~
15 ~~directly to the educational institution and shall~~
16 ~~receive any refunds for payment of tuition and fees~~
17 ~~from the educational institution which shall be~~
18 ~~credited to the affected employee's account, and~~

19 ~~e. the Director of the Office of Management and~~
20 ~~Enterprise Services shall distribute to the affected~~
21 ~~employee and the agency any monies remaining in the~~
22 ~~affected employee's account after the voucher credit~~
23 ~~has expired. The distribution shall be based on the~~

1 ~~proportional share of contributions made by the~~
2 ~~affected employee and the agency.~~

3 B. Each affected employee who is separated from state service
4 as a result of a reduction-in-force after July 1, 1998, besides
5 being eligible for the eighteen (18) months of continuation
6 coverages provided by the Public Health Service Act, 42 U.S.C.,
7 Section 30066-1 et seq., i.e., health, dental, vision and healthcare
8 reimbursement account options, under this severance benefit, shall
9 also be eligible to elect additional continuation coverage for any
10 life insurance, in twenty-thousand-dollar units, on self or five-
11 thousand-dollar units, on dependents, and to continue participation
12 in the dependent care reimbursement account provided that these
13 additional coverages were in effect immediately prior to the
14 effective date of the reduction-in-force, the date of which shall
15 serve as the qualifying event date. Provided, that no coverage
16 elected for continuation through the Public Health Service Act for
17 the full eighteen-month period is allowed to lapse, then that
18 affected employee may elect to continue those same coverages for an
19 additional eighteen (18) months at whatever rate is then in effect.
20 This additional eighteen-month continuation period of coverage shall
21 be administered by the Oklahoma State Employees Benefits Council
22 following the initial eighteen-month period of continuation which
23 shall be administered by the COBRA office at the State and Education
24 Employees Group Insurance Board.

1 C. Part-time affected employees shall receive benefits pursuant
2 to this section on a prorated basis. Part-time employees shall have
3 been compensated for at least one thousand (1,000) hours during the
4 twelve (12) months immediately preceding the effective date of the
5 reduction-in-force to be eligible for severance benefits pursuant to
6 the State Government Reduction-in-Force and Severance Benefits Act.

7 D. No appointing authority shall grant affected employees in a
8 reduction-in-force severance benefits except as provided in this
9 section.

10 SECTION 23. AMENDATORY 74 O.S. 2011, Section 840-2.28,
11 as amended by Section 889, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
12 2013, Section 840-2.28), is amended to read as follows:

13 Section 840-2.28 A. Agencies shall be authorized to provide
14 voluntary_out benefits to ~~permanent-classified~~ career service
15 employees and ~~regular-unclassified~~ executive service employees with
16 one (1) year or more of continuous state service who are voluntarily
17 separated from the state service in order to reduce or eliminate the
18 adverse impact of an imminent reduction-in-force. For purposes of
19 this section, "agency" or "agencies" shall include agencies, boards,
20 commissions, or departments of all three branches of state
21 government. Voluntary_out benefit payments made pursuant to this
22 section, in addition to the payment of any compensable accrued leave
23 and other benefits an employee who voluntarily separates is eligible

24

1 to receive upon separation from the state service, shall consist of
2 the following elements:

3 1. All agency voluntary_out benefits shall provide the
4 following:

5 a. payment equal to the employee's current health
6 insurance premium for the employee only for eighteen
7 (18) months based on the cost of the premium at the
8 time of the voluntary separation, and

9 b. a longevity payment, as prescribed by Section 840-2.18
10 of this title in the amount which would otherwise be
11 paid to the employee on the employee's next
12 anniversary date. For the purposes of this
13 subparagraph, the University Hospitals Authority shall
14 calculate longevity for employees who were members of
15 the University Hospitals Authority Model Personnel
16 System pursuant to Section 3211 of Title 63 of the
17 Oklahoma Statutes for all state service as would
18 otherwise be determined by Section 840-2.18 of this
19 title; and

20 2. In addition to the voluntary_out benefits provided by
21 paragraph 1 of this subsection, agencies may give employees, ~~except~~
22 ~~as otherwise provided by paragraph 3 of this subsection,~~ voluntary_
23 out benefit packages based on any combination of the following
24 options, provided that all employees who are separated as a result

1 of the agency offer of a voluntary_out benefit pursuant to this
2 section in anticipation of the imminent reduction-in-force are
3 accorded uniform treatment pursuant to this section:

- 4 a. up to one (1) week of pay, calculated by dividing the
5 employee's current annual salary by the whole number
6 fifty-two (52), for each year of service,
- 7 b. a maximum lump-sum payment of Five Thousand Dollars
8 (\$5,000.00),
- 9 c. payment for accumulated sick leave or extended illness
10 benefits at up to one-half of the employee's hourly
11 rate not otherwise used pursuant to law for conversion
12 to credited retirement credit, and
- 13 d. payment of health benefit premiums as provided by the
14 Public Health Service Act, 42 U.S.C., Section 300bb-1
15 et seq., for a period not to exceed eighteen (18)
16 months. The agency shall not be authorized to make a
17 cash payment to the employee in lieu of the payment by
18 the agency of the cost of continued health care
19 coverage for the employee; and

20 ~~3. An employee may direct payment of all or a portion of the~~
21 ~~employee's voluntary out benefits to the options authorized by this~~
22 ~~paragraph by exercising an option to receive education vouchers for~~
23 ~~use in connection with the Reduction in Force Education Voucher~~
24 ~~Action Fund subject to the following requirements and rules of the~~

1 ~~Director of the Office of Management and Enterprise Services,~~
2 ~~provided that the agency offers to match employee voluntary out~~
3 ~~funds pursuant to this paragraph. In such case:~~

4 a. ~~the employee may purchase One Dollar (\$1.00) in~~
5 ~~voucher credit for each One Dollar (\$1.00) contributed~~
6 ~~by the employee to the fund subject to a maximum~~
7 ~~employee contribution of Three Thousand Dollars~~
8 ~~(\$3,000.00) which may be matched by a maximum agency~~
9 ~~contribution of Three Thousand Dollars (\$3,000.00);~~
10 ~~provided, that the agency contribution shall not~~
11 ~~exceed the contribution of the employee,~~

12 b. ~~the employee may pay the cost for the voucher program~~
13 ~~directly, subject to the requirements of subparagraph~~
14 ~~a of this paragraph, or the employing agency of the~~
15 ~~employee may pay the cost of the voucher from funds~~
16 ~~which would otherwise have been used to make payments~~
17 ~~to the displaced employee pursuant to an election by~~
18 ~~the employee to receive voluntary out benefits,~~

19 c. ~~no voucher issued pursuant to the provisions of this~~
20 ~~paragraph shall:~~

21 ~~(1) be redeemed by the employee for cash or anything~~
22 ~~of value other than the cost of tuition and fees~~
23 ~~at a public or private educational institution~~
24 ~~within the State of Oklahoma, or~~

1 ~~(2) be valid longer than a period of four (4) years~~
2 ~~from the date upon which the voucher is issued to~~
3 ~~the employee,~~

4 ~~d. the Director of the Office of Management and~~
5 ~~Enterprise Services shall pay tuition and fees~~
6 ~~directly to the educational institution and shall~~
7 ~~receive any refunds for payment of tuition and fees~~
8 ~~from the educational institution which shall be~~
9 ~~credited to the employee's account, and~~

10 ~~e. the Director of the Office of Management and~~
11 ~~Enterprise Services shall distribute to the affected~~
12 ~~employee and the agency any monies remaining in the~~
13 ~~employee's account after the voucher credit has~~
14 ~~expired. The distribution shall be based on the~~
15 ~~proportional share of contributions made by the~~
16 ~~employee and the agency.~~

17 B. Appointing authorities in agencies of the executive branch
18 shall submit to the Director of the Office of Management and
19 Enterprise Services, prior to offering voluntary_out benefits
20 pursuant to this section, a plan with details on why the agency has
21 determined a reduction-in-force is imminent, the anticipated impact
22 of the imminent reduction-in-force on the agency or part of the
23 agency, the voluntary_out benefits the agency intends to offer
24 pursuant to this section and their cost, and how the agency intends

1 to execute the offer of the voluntary_out benefits. The Director
2 shall review the fiscal components of the plan and have ten (10)
3 business days to disapprove it.

4 C. Part-time employees who are eligible to receive voluntary_
5 out benefits shall receive benefits pursuant to this section on a
6 prorated basis. Part-time employees shall have been compensated for
7 at least one thousand (1,000) hours during the twelve (12) months
8 immediately preceding the separation of the employee due to the
9 employee's acceptance of a voluntary_out benefit.

10 D. An employee who accepts voluntary_out benefits pursuant to
11 this section shall not be eligible to accept any future voluntary_
12 out benefits pursuant to this section.

13 SECTION 24. AMENDATORY 74 O.S. 2011, Section 840-2.29,
14 is amended to read as follows:

15 Section 840-2.29 A ~~classified~~ career service employee who is
16 on-call shall be compensated for a minimum of two (2) hours of work
17 if the employee reports to a work location while in an on-call
18 status. This provision shall apply anytime the employee reports and
19 works less than two (2) hours.

20 SECTION 25. AMENDATORY 74 O.S. 2011, Section 840-3.1, as
21 amended by Section 892, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
22 2013, Section 840-3.1), is amended to read as follows:

23 Section 840-3.1 A. ~~Each supervisor employed as of January 1,~~
24 ~~1993, by a state agency, board or commission in the executive branch~~

1 ~~of state government, excluding those within The Oklahoma State~~
2 ~~System of Higher Education, shall attend, prior to December 31,~~
3 ~~1993, a training program for supervisory personnel. The training~~
4 ~~program shall be established pursuant to subsection C of this~~
5 ~~section.~~

6 ~~B.~~ Employees appointed to supervisory positions ~~after January~~
7 ~~1, 1993,~~ shall complete twenty-four (24) hours of training pursuant
8 to subsection ~~C~~ B of this section within twelve (12) months of
9 assuming such supervisory position. Thereafter, supervisors are
10 required to complete twelve (12) hours of training pursuant to
11 subsection ~~C~~ B of this section each year. The appointing authority
12 of each agency shall ensure each supervisory employee is notified
13 and scheduled to attend such required training and shall make time
14 available for each such employee to complete the training.

15 ~~C.~~ B. 1. The Director of the Office of Management and
16 Enterprise Services shall promulgate any rules necessary to develop
17 and implement training programs for supervisory personnel which
18 shall include courses related to the effective performance of an
19 agency manager or supervisor. Rules authorized by this subsection
20 shall require supervisors to attend such training within a
21 reasonable period of time determined by the Director.

22 2. Training programs for supervisors under this section may be
23 approved by the Office of Management and Enterprise Services;
24 provided, however, such programs shall be subject to standards

1 developed by the Office of Management and Enterprise Services. All
2 state agencies, boards and commissions may participate in any such
3 government employee training program established by an institution
4 that is a member of The Oklahoma State System of Higher Education
5 and approved by the Office of Management and Enterprise Services as
6 provided for in this paragraph.

7 SECTION 26. AMENDATORY 74 O.S. 2011, Section 840-3.2, as
8 amended by Section 893, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2013, Section 840-3.2), is amended to read as follows:

10 Section 840-3.2 There is hereby established within the Office
11 of Management and Enterprise Services, the ~~Carl Albert Public State~~ State
12 Internship Program. The purposes of the program shall be to assist
13 students at institutions of higher education in gaining experience
14 and knowledge in state government and to encourage recruitment of
15 such students to pursue careers in state government service. In
16 administering the program, the Director of the Office of Management
17 and Enterprise Services shall:

18 1. Consult with the chief administrative officers of the
19 legislative, executive, and judicial branches of government in
20 encouraging the establishment and development of intern positions
21 within their agencies;

22 2. Coordinate with the State Regents for Higher Education and
23 the appropriate public and private institutions of higher education
24

1 in Oklahoma in the development of a statewide internship program,
2 soliciting qualified applicants, and selecting participants;

3 3. Develop and coordinate a selection process for placing
4 individuals in intern positions. This selection process shall
5 provide for equal employment opportunities in accordance with state
6 and federal law;

7 4. Develop and coordinate a training plan for the internship
8 program which balances the need for training and exposure to new
9 ideas with the intern's and agency's need for on-the-job work
10 experience;

11 5. Develop guidelines for a compensation plan for interns
12 participating in this program; and

13 6. ~~Provide for recruitment in the regular state service of~~
14 ~~persons who have successfully completed the Executive Fellows~~
15 ~~Program provided for in Section 840-3.4 of this title~~ Promulgate any
16 rules necessary to develop, implement and maintain the State
17 Internship Program.

18 SECTION 27. AMENDATORY 74 O.S. 2011, Section 840-3.5, as
19 last amended by Section 5, Chapter 237, O.S.L. 2013 (74 O.S. Supp.
20 2013, Section 840-3.5), is amended to read as follows:

21 Section 840-3.5 The Office of Management and Enterprise
22 Services shall promulgate rules to provide that:

23 1. Upon successful completion of an internship ~~in the~~
24 ~~Undergraduate or Senior Undergraduate Internship Program or~~

1 ~~Executive Fellows Program~~, a participant who has met all
2 requirements of education and experience ~~shall~~ may be eligible for
3 appointment to a position in the ~~classified or unclassified~~ career
4 service or executive service of the state and shall be deemed as
5 meeting all other statutory requirements;

6 2. Persons leaving classified career service or unclassified
7 executive service positions in state government in order to take an
8 internship shall:

9 a. have the right to return to the previous position at
10 any time during the internship or upon completion of
11 the internship, and

12 b. continue to receive all fringe benefits they would
13 have received in their previous classified career
14 service or unclassified executive service positions;

15 3. ~~Participants in the Undergraduate Internship Program who~~
16 ~~were not public employees prior to accepting a position in the~~
17 ~~program shall be employed in accordance with paragraph 8 of~~
18 ~~subsection A of Section 840-5.5 of this title;~~

19 4. Participants in the ~~Senior Undergraduate~~ State Internship
20 Program who were not public employees prior to accepting a position
21 in the program ~~shall~~ may be employed in accordance with ~~paragraph 10~~
22 ~~of~~ subsection A of Section 840-5.5 of this title, except that they
23 shall be granted leave benefits commensurate with regular state
24 employees;

1 ~~5. Participants in the Executive Fellows Program who were not~~
2 ~~public employees prior to accepting a position in the program shall~~
3 ~~be appointed in accordance with paragraph 10 of subsection A of~~
4 ~~Section 840-5.5 of this title, except that they shall be granted~~
5 ~~leave benefits commensurate with regular state employees;~~

6 ~~6.~~ 4. Selection of interns shall be coordinated by the Office
7 of Management and Enterprise Services, but shall permit appropriate
8 involvement by institutions of higher education and state agencies
9 in order to ensure the integrity of the program, permit the
10 appropriate match between interns and agency assignments, and to
11 benefit the employing agency;

12 ~~7. The Director of the Office of Management and Enterprise~~
13 ~~Services may waive the completion of six (6) semester hours of~~
14 ~~approved graduate level work required by Section 840-3.4 of this~~
15 ~~title for participation in the Executive Fellows Program for an~~
16 ~~undergraduate intern enrolled in six (6) semester hours of approved~~
17 ~~graduate level work and currently employed by a state agency;~~

18 ~~8. Establish compensation plans for interns; and~~

19 ~~9.~~ 5. Empower the Office of Management and Enterprise Services
20 to intercede in an internship when the Office determines, at the
21 request of the intern, the agency, or the institution of higher
22 education at which the intern is enrolled, that an internship is not
23 functioning in accordance with guidelines established for the
24

1 program and that are necessary for the efficiency and integrity of
2 the program.

3 SECTION 28. AMENDATORY 74 O.S. 2011, Section 840-3.7, is
4 amended to read as follows:

5 Section 840-3.7 Provided that nothing in this act creating the
6 ~~Carl Albert Public~~ State Internship Program shall be construed to
7 limit the authority of state agencies and institutions of higher
8 education to continue or establish other internship programs or
9 positions.

10 SECTION 29. AMENDATORY 74 O.S. 2011, Section 840-3.11,
11 as amended by Section 896, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
12 2013, Section 840-3.11), is amended to read as follows:

13 Section 840-3.11 The Director of the Office of Management and
14 Enterprise Services is hereby directed to establish programs to
15 facilitate the interchange of employees among state governmental
16 entities, to evaluate the efficient utilization and deployment of
17 state personnel, and to adopt rules necessary to carry out the
18 provisions of the State Personnel Interchange Program. The State
19 Personnel Interchange Program and rules promulgated hereunder shall
20 apply to both ~~unclassified and classified employee~~ executive and
21 career services.

22 SECTION 30. AMENDATORY 74 O.S. 2011, Section 840-3.12,
23 is amended to read as follows:

24

1 Section 840-3.12 All employees in the ~~classified and~~
2 ~~unclassified~~ career and executive service are eligible for
3 interchange.

4 SECTION 31. AMENDATORY 74 O.S. 2011, Section 840-3.13,
5 as amended by Section 897, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
6 2013, Section 840-3.13), is amended to read as follows:

7 Section 840-3.13 A. All personnel interchange assignments are
8 intended to be temporary in nature. An individual's period of
9 assignment to any receiving agency shall not exceed twelve (12)
10 months in any thirty-six-month period; ~~except that the period of~~
11 ~~assignment for mentor executives participating in the mentor program~~
12 ~~established by Section 840-3.8 of this title shall not exceed~~
13 ~~twenty four (24) months in any thirty six month period.~~

14 B. An individual shall be assigned as a participating employee
15 only upon the individual's freely given written consent, without any
16 form of coercion or duress. Personnel interchanges shall be
17 executed by mutual consent agreement by the appointing authority of
18 the sending agency, the appointing authority of the receiving
19 agency, and the participating individual.

20 C. A participating employee shall be considered an employee of
21 the sending agency for all purposes other than supervision. The
22 receiving agency shall be responsible for all costs and liabilities
23 arising from the performance of work assigned to the participating
24

1 employee by the receiving agency which is found to be contrary to
2 law and public policy by a court of competent jurisdiction.

3 D. A participating ~~classified or unclassified~~ career or
4 executive service employee may be assigned to a ~~classified or~~
5 ~~unclassified~~ career or executive service position for the duration
6 of the assignment without regard to the status of the employee in
7 the sending agency.

8 E. Work assigned to a participating employee by a receiving
9 agency shall be exempt from the classification and compensation
10 provisions of the Oklahoma ~~Personnel~~ Career Service Act. Further,
11 although all agencies are encouraged to resolve employee complaints
12 at the lowest possible level, nothing in this section shall be
13 construed to require a receiving agency to establish or adopt a
14 ~~grievance~~ complaint procedure pursuant to Section 840-6.2 of this
15 title, to hear formal ~~grievances~~ complaints, or to designate a
16 ~~grievance~~ complaint manager. Whenever an interchange agreement is
17 terminated in accordance with the Oklahoma ~~Personnel~~ Career Service
18 Act and rules promulgated by the Director of the Office of
19 Management and Enterprise Services, the participating employee shall
20 be entitled to return to the previous class or job family level of
21 the employee or its successor class or job family level, if one
22 exists in the sending agency. Otherwise, the reduction-in-force
23 provision of Section ~~840-2.27~~ 840-2.27C of this title shall apply.

24

1 F. Except as provided in subsection E of this section, a
2 participating employee who is assigned to a receiving agency shall
3 neither lose, or suffer diminution of, any right, power, privilege,
4 or benefit to which the employee would otherwise be entitled,
5 including but not limited to salary, seniority, promotion,
6 reinstatement, insurance, retirement, ~~classified or unclassified~~
7 career or executive service status, ~~progressive discipline~~ career
8 coaching, and use of ~~grievance~~ complaint and appeals procedures. An
9 employee's class or job family level shall not be adversely affected
10 by another employee's participation in an interchange.

11 G. Any participating employee who suffers injury, occupational
12 disease, or death, arising out of and in the course of an assignment
13 to a receiving agency or sustained in the discharge of duties in
14 connection with said assignment shall be considered an employee of
15 the sending agency, and shall not be deprived by virtue of
16 participating in said program of any right or expectancy that would
17 otherwise accrue pursuant to the laws of this state governing labor
18 and workers' compensation.

19 H. Except as provided in this section, a participating employee
20 shall neither receive nor accept any compensation from the receiving
21 agency to which the employee is assigned. Any receiving agency
22 shall, in accordance with any applicable laws and policies,
23 reimburse the per diem and travel expenses of any participating
24 employee assigned thereto.

1 I. Nothing in the State Personnel Interchange Program is
2 intended to preclude the adoption of rules governing the interchange
3 of employees of state governmental entities via other interchange
4 provisions, such as leaves of absence without pay and career
5 executive appointments.

6 SECTION 32. AMENDATORY 74 O.S. 2011, Section 840-4.1, is
7 amended to read as follows:

8 Section 840-4.1 A. The Governor of the State of Oklahoma is
9 hereby empowered and authorized by an Executive Order to place any
10 agency, and the employees thereof, except positions exempted from
11 the ~~classified~~ career service as stipulated by said Order, under the
12 ~~Merit Career Service System of Personnel Human Resources~~
13 Administration prescribed by the Oklahoma ~~Personnel~~ Career Service
14 Act and the rules promulgated thereunder. Further, the Governor may
15 issue an Executive Order to place any position exempted from the
16 ~~Merit Career Service System~~ by Executive Order and its incumbent
17 under the ~~Merit~~ Career Service System. This section shall not
18 authorize the removal of any agency, position, or employee placed
19 under the ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
20 Administration.

21 B. The provisions of the ~~Merit System of Personnel~~
22 ~~Administration~~ Career Service Rules for Employment shall not be
23 extended to any agency except by Executive Order as provided in this
24 section or by legislation.

1 C. The placement of an agency under the ~~Merit System of~~
2 ~~Personnel Administration~~ Career Service Rules for Employment covers
3 functions, positions, and employees in an agency on the effective
4 date of the legislation or the Executive Order and functions,
5 positions, and employees subsequently added to the agency, unless
6 otherwise provided by law.

7 D. Upon placement of an agency under the ~~Merit~~ Career Service
8 System of ~~Personnel~~ Human Resources Administration by Executive
9 Order or legislation, subsequent changes in the name of the agency,
10 its organization or structure, or repeal of statutory language
11 placing the agency under the ~~Merit~~ Career Service System shall not
12 alone be construed to remove the agency from the ~~Merit~~ Career
13 Service System. An agency shall be removed from the ~~Merit~~ Career
14 Service System by enacting legislation which affirmatively declares
15 the agency is removed from the ~~Merit~~ Career Service System of
16 ~~Personnel~~ Human Resources Administration.

17 E. Upon placement of an agency under the ~~Merit~~ Career Service
18 System of ~~Personnel~~ Human Resources Administration by Executive
19 Order or legislation, the agency shall abide by the provisions of
20 the ~~Merit System of Personnel Administration Rules~~ Career Service
21 Rules for Employment and the Oklahoma ~~Personnel~~ Career Service Act.
22 Statutory provisions not included in the Oklahoma ~~Personnel~~ Career
23 Service Act that authorize agencies to effect personnel
24 transactions, including but not limited to preparing personnel

1 schedules, employing and appointing personnel, defining their duties
2 and fixing their salaries or compensation shall be interpreted as
3 authorizing agencies to effect personnel transactions within the
4 provisions of the Oklahoma ~~Personnel~~ Career Service Act and the
5 rules promulgated thereunder unless the Legislature expresses a
6 contrary intent.

7 SECTION 33. AMENDATORY 74 O.S. 2011, Section 840-4.2, as
8 amended by Section 900, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2013, Section 840-4.2), is amended to read as follows:

10 Section 840-4.2 A. Except as otherwise provided by law,
11 effective on the date an ~~unclassified~~ executive service employee is
12 made subject to the ~~Merit~~ Career Service System of ~~Personnel~~ Human
13 Resources Administration by virtue of an Executive Order issued
14 pursuant to Section 840-4.1 of this title or legislation, the
15 employee shall be given status in the job family level to which the
16 position occupied by the employee is initially allocated by the
17 Office of Management and Enterprise Services. The employee shall
18 not be required to take any ~~examination~~ assessment or qualify for
19 the job family level, and the salary of the employee shall not be
20 reduced as a result of such initial allocation. The status of the
21 employee shall be determined as follows:

22 1. An employee who has been continuously employed by the agency
23 for a minimum of twelve (12) months immediately preceding the date
24 on which the employee is made subject to the provisions of the ~~Merit~~

1 Career Service System shall be given permanent status in the
2 classified career service.

3 2. An employee who has been continuously employed by the agency
4 for less than twelve (12) months on the date the employee is made
5 subject to the provisions of the ~~Merit~~ Career Service System shall
6 be given probationary status in the classified career service. Such
7 employee may obtain permanent status in the classified career
8 service twelve (12) months after the employee's entry-on-duty date
9 with the agency pursuant to the provisions of the ~~Merit~~ Career
10 Service System.

11 B. Persons appointed to the classified career service of any
12 agency under the ~~Merit~~ Career Service System shall achieve
13 classified career service status only in accordance with the
14 ~~Oklahoma Merit System of Personnel Administration~~ Career Service
15 Rules for Employment promulgated pursuant to the Oklahoma ~~Personnel~~
16 Career Service Act.

17 C. Any classified career service employee who is serving in a
18 position on the effective date of the removal of the position from
19 the classified career service and placement into the unclassified
20 executive service shall have the option of retaining the employee's
21 classified career status. Any such employee who elects to change
22 from classified career to ~~unclassified~~ executive status shall so
23 indicate in writing. If the employee chooses to remain in the
24 classified career service, the position occupied by the employee

1 shall remain in the ~~classified~~ career service until the employee
2 either vacates the position or elects ~~unclassified~~ executive status.
3 All future appointees to such positions shall be in the ~~unclassified~~
4 executive service.

5 SECTION 34. AMENDATORY 74 O.S. 2011, Section 840-4.3, as
6 amended by Section 901, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
7 2013, Section 840-4.3), is amended to read as follows:

8 Section 840-4.3 A. The Office of Management and Enterprise
9 Services shall conduct audits of positions in the ~~classified~~ career
10 service to determine the proper job family to which a position is
11 allocated, and may delegate the auditing function to an agency
12 ~~pursuant to subsection E of Section 840-1.15 of this title.~~
13 Appointing authorities have control of positions within their agency
14 and have the authority to organize their agencies, to create
15 positions, to abolish positions and to prescribe or change the
16 duties and responsibilities assigned to any position or employee at
17 any time and shall determine the level within a job family at which
18 duties and responsibilities are assigned. The Director of the
19 Office of Management and Enterprise Services shall adopt rules
20 establishing policies and procedures for appointing authorities to
21 follow when determining the job family level at which duties and
22 responsibilities are assigned within their agencies. Such rules
23 shall include a process for review by the Office of Management and
24 Enterprise Services of internal classification ~~grievances~~ complaints

1 of job family level assignments which cannot be resolved at the
2 agency level. Individual audits of positions shall be conducted at
3 the request of the appointing authority based on information
4 provided by the agency. An incumbent employee will be given an
5 opportunity to respond; however, the Office of Management and
6 Enterprise Services will rely on the appointing authority for an
7 official listing of the duties and responsibilities of the position.

8 B. The appointing authority has the responsibility to ensure
9 that employees are properly classified and that the work performed
10 conforms to the appropriate job family descriptor describing the
11 position. Employees shall be classified in accordance with the work
12 they are assigned on a regular and consistent basis as an integral
13 part of their normal work assignment and job family descriptor. An
14 employee has the right and responsibility to file a classification
15 grievance complaint, as provided by law and rule, when duties
16 performed on a regular and consistent basis do not conform to the
17 job family descriptor. An employee is entitled to the compensation
18 assigned to the job family level for which duties were performed on
19 a regular and consistent basis. This provision does not entitle the
20 employee to a higher job family level. Agency classification and
21 reclassification decisions shall not be subject to appeal ~~to the~~
22 ~~Oklahoma Merit Protection Commission~~. However, the involuntary
23 removal of a permanent employee in permanent status in a job family
24 level to a lower level in the same job family or to another job

1 family level assigned a lower pay band shall be considered a
2 demotion. Such action may be appealed by the employee ~~to the~~
3 ~~Oklahoma Merit Protection Commission~~ in accordance with the
4 provisions of Section 48 of this act. Any reclassification of a
5 career service employee to a different job with the same or lower
6 pay band assignment that does not result in a loss of compensation
7 is a "classification adjustment". Classification adjustments may be
8 voluntary or involuntary and may not be appealed in accordance with
9 the provisions of Section 48 of this act. The Director of the
10 Office of Management and Enterprise Services shall adopt rules
11 pursuant to subsection A of this section which shall include a
12 process for review by the Office of Management and Enterprise
13 Services of internal classification ~~grievances~~ complaints of job
14 family level assignments which cannot be resolved at the agency
15 level.

16 C. Job family descriptors shall be used for the purpose of
17 distinguishing one job family from another as clearly and
18 definitively as possible in order that positions may be properly
19 allocated and employees may be properly classified in accordance
20 with this section. Job family descriptors shall be applied in
21 accordance with the following:

22 1. The position description questionnaire and job family
23 descriptors shall be interpreted and applied as a composite picture
24 of the job requirements. An employee is not required to perform all

1 of the work operations described in a job family descriptor in order
2 to be eligible for classification thereunder. An employee is not
3 eligible or entitled to classification by reason of performing
4 isolated or singular duties incidental to the job but which are
5 described in another job family descriptor. Employees are entitled
6 to the job family level they are currently assigned.

7 2. An employee normally performs some of the work of higher-
8 rated jobs and some of the work of lower-rated jobs when required.
9 The normal duties of an employee may include assistance to others.

10 3. An employee is required to perform the work operations and
11 duties described or appraised as being covered by a job family
12 descriptor pursuant to that degree or amount of guidance or
13 instruction which is considered regular and consistent in order to
14 qualify for the classification.

15 SECTION 35. AMENDATORY 74 O.S. 2011, Section 840-4.9, is
16 amended to read as follows:

17 Section 840-4.9 Certified teachers employed to serve as
18 administrators, counselors, librarians or to teach by the state,
19 under the ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
20 Administration, shall be entitled to all benefits granted other
21 state employees of the agency, board, commission, department or
22 institution by which they are employed. Such teachers shall also be
23 entitled to all benefits and privileges of their profession,
24 including the right to participate in the Public Employees'

1 Retirement System, or the Oklahoma Teachers' Retirement System at
2 the option of the teacher and the right of membership and
3 participation in the Oklahoma Education Association and all other
4 professional associations and organizations of their choice.

5 SECTION 36. AMENDATORY 74 O.S. 2011, Section 840-4.11,
6 as amended by Section 906, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
7 2013, Section 840-4.11), is amended to read as follows:

8 Section 840-4.11 The Director may promulgate rules to provide
9 for the establishment of noncompetitive appointments including, but
10 not limited to, the positions of unskilled labor, attendants, aides,
11 food service helpers, or custodial or similar types of employment
12 when the character of the work makes it impracticable to supply the
13 needs of the service effectively by ~~competitive examination~~
14 assessment. All such persons appointed shall serve a probationary
15 period in accordance with the rules adopted by the Office of
16 Management and Enterprise Services and the provisions of the laws of
17 the State of Oklahoma and shall acquire permanent status and be
18 subject to the same rules as other ~~classified~~ career service
19 employees.

20 SECTION 37. AMENDATORY 74 O.S. 2011, Section 840-4.12,
21 as amended by Section 907, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
22 2013, Section 840-4.12), is amended to read as follows:

23 Section 840-4.12 A. The Director of the Office of Management
24 and Enterprise Services shall be responsible for conducting

1 promotional ~~examinations~~ assessments and entrance ~~examinations~~
2 assessments as required under the Oklahoma ~~Personnel~~ Career Service
3 Act. Such ~~examinations~~ assessments shall be of such character as to
4 determine the qualifications, fitness and ability of the persons
5 ~~tested~~ to perform the duties of the job family or job family level
6 for which such ~~tests or examinations~~ assessments are given.
7 Provided, however, ~~tests and examinations~~ assessments of persons
8 with severe disabilities who have satisfactorily completed
9 vocational and technical education courses in vocational training
10 units or divisions approved by the State Department of
11 Rehabilitation Services shall be limited in scope so as to relate to
12 the skill and physical capability required for a particular
13 position. Adequate public notice shall be given of all ~~examinations~~
14 assessments except for promotion within a department or agency.
15 Notwithstanding any other provision of law, the Director may keep
16 confidential all promotional ~~examinations~~ assessments, entrance
17 ~~examinations~~ assessments, and any other ~~testing~~ assessment
18 materials, but the Director shall be required to disclose them
19 pursuant to a valid order from a court of competent jurisdiction and
20 establishment of a protective order prohibiting public disclosure of
21 the ~~examinations~~ assessments and materials.

22 B. No person shall be required to take an entrance ~~examination~~
23 assessment for an appointment to a job family level requiring
24

1 licensing by a state agency if that person has been previously
2 tested and is currently licensed by the State of Oklahoma.

3 C. Promotional ~~examinations~~ assessments for promotion within an
4 agency, unless requested by the agency, shall not be required;
5 provided that the promotion is in accordance with a plan adopted by
6 the Director and is in accordance with a plan adopted by the
7 promoting agency. Every employee promoted within an agency or
8 following an intra-agency lateral transfer shall serve a six-month
9 trial period in the job level to which the employee is promoted or
10 transferred, unless the trial period is waived, in writing, by the
11 appointing authority. At any time during a trial period, the
12 appointing authority may return the employee to the level from which
13 the employee was promoted upon written notification by the
14 appointing authority to the employee as to such action and the
15 reason therefor, and the employee shall not have the right to
16 appeal.

17 D. ~~The Director shall accept Certificates of Proficiency issued~~
18 ~~by accredited private or public schools, colleges or the Oklahoma~~
19 ~~Employment Security Commission in lieu of typing and shorthand~~
20 ~~tests.~~

21 E. The Office of Management and Enterprise Services shall
22 certify that a candidate meets the necessary job qualifications for
23 a job family level in the classified career and executive service
24 for the purpose of allowing that candidate to be appointed to a job.

1 The Director of the Office of Management and Enterprise Services may
2 delegate the certification function provided by this section to an
3 agency ~~pursuant to subsection E of Section 840-1.15 of this title.~~
4 Any statute which creates any position or qualifications for any
5 position in the ~~classified~~ career service shall not be construed to
6 limit the power of the Director to interpret or add to those
7 qualifications in a reasonable manner consistent with the intent of
8 the Legislature and the duties of that position. Any statute which
9 empowers any agency head or other employer to hire or nominate
10 persons for employment within the ~~classified~~ career service shall
11 not be construed to empower that agency head or other employer to
12 waive or modify any qualification or rule for employment established
13 by the Director. The Director shall not be construed to have the
14 authority to limit or reduce any qualification established by
15 statute for any position. The constructions established herein
16 shall apply to any statutes or positions heretofore or hereafter
17 created unless that statute clearly and specifically states that
18 such constructions do not apply.

19 ~~F.~~ E. Subsections A through ~~E~~ D of this section shall not apply
20 to special disabled veterans who are considered for employment under
21 the provisions of Sections 401 through 404 of Title 72 of the
22 Oklahoma Statutes. Provided, said veterans may elect instead to be
23 considered for employment according to the procedures set out in
24 subsections A through ~~E~~ D of this section.

1 ~~G.~~ F. Subsections A through ~~E~~ D of this section shall not apply
2 to persons with severe disabilities who are considered for
3 employment under the provisions of this subsection. Provided, said
4 persons may elect instead to be considered for employment according
5 to the procedures set out in subsections A through ~~E~~ D of this
6 section.

7 1. As used in this subsection "persons with severe
8 disabilities" means persons certified as having disabilities
9 according to standards and procedures established by the Director.
10 Said standards and procedures shall be developed by the Director of
11 the Office of Management and Enterprise Services with the assistance
12 of the Office of ~~Handicapped~~ Disability Concerns, and the State
13 Department of Rehabilitation Services.

14 2. Agencies of this state may employ persons with severe
15 disabilities who are legal residents of the state in competitive and
16 noncompetitive jobs. Except for the requirement of minimum
17 qualifications specified in applicable job specifications, such
18 persons with disabilities shall be exempt from entrance ~~examinations~~
19 assessments and hiring procedures administered by the Office of
20 Management and Enterprise Services pursuant to this section and
21 Section 840-4.13 of this title.

22 3. Persons with severe disabilities hired pursuant to this
23 subsection shall be appointed for a probationary period pursuant to
24 Section 840-4.13 of this title.

1 4. Persons with severe disabilities hired pursuant to this
2 subsection shall be subject to the rules of the Director of the
3 Office of Management and Enterprise Services.

4 5. The Office of Management and Enterprise Services shall
5 maintain records regarding the employment of persons with severe
6 disabilities by state agencies and shall report the number of
7 persons so employed in its annual report for the Office of
8 Management and Enterprise Services required by Section 840-1.6A of
9 this title.

10 ~~H. 1. This subsection shall be known and may be cited as the~~
11 ~~"Fair Employment Practices Act".~~

12 ~~2. Agencies of this state may use the optional hiring procedure~~
13 ~~provided in this subsection to employ females, blacks, Hispanics,~~
14 ~~Asian/Pacific Islanders and American Indians/Alaskan natives, as~~
15 ~~defined by the Equal Employment Opportunity Commission, who are~~
16 ~~legal residents of the state in competitive and noncompetitive jobs.~~
17 ~~Individuals must meet the minimum qualifications and pass any~~
18 ~~required examinations established by the Office of Management and~~
19 ~~Enterprise Services or by statute. Except for any required~~
20 ~~examinations and minimum qualifications specified in applicable job~~
21 ~~specifications, such persons shall be exempt from the hiring~~
22 ~~procedures administered by the Office of Management and Enterprise~~
23 ~~Services. Persons may only be employed under this subsection in a~~
24 ~~job family level, group or category which has been identified as~~

1 ~~underutilized and in which an appropriate hiring goal has been set~~
2 ~~in the state agency's affirmative action plan approved by the Office~~
3 ~~of Management and Enterprise Services pursuant to the provisions of~~
4 ~~Section 840-2.1 of this title. In addition, the appointing~~
5 ~~authority of the employing agency must determine that a manifest~~
6 ~~imbalance exists which justifies remedial action pursuant to this~~
7 ~~subsection in order to reach the affirmative action hiring goal.~~
8 ~~Provided further, that eligible war veterans, as defined by Section~~
9 ~~67.13a of Title 72 of the Oklahoma Statutes, who are members of the~~
10 ~~group for which a hiring goal has been set shall be considered by~~
11 ~~the employing agency before a nonveteran is appointed pursuant to~~
12 ~~this subsection.~~

13 ~~3. To be eligible for appointment, the persons who are members~~
14 ~~of the group for which a hiring goal has been set must score within~~
15 ~~the top ten scores of other available members of said group based on~~
16 ~~any examination or rating of education and experience.~~

17 ~~4. Persons hired pursuant to this subsection shall be appointed~~
18 ~~for a probationary period pursuant to Section 840-4.13 of this~~
19 ~~title.~~

20 ~~5. Upon acquiring permanent status, the employee shall be~~
21 ~~subject to the rules and regulations of the Office of Management and~~
22 ~~Enterprise Services and to full rights and entitlements of state~~
23 ~~employees in the classified service.~~

1 ~~6. The authority for an agency to make appointments pursuant to~~
2 ~~this subsection shall be temporary and shall cease when the~~
3 ~~appointing authority of an agency can no longer justify remedial~~
4 ~~action pursuant to this subsection.~~

5 ~~7. The Office of Management and Enterprise Services shall~~
6 ~~maintain records regarding the employment of persons by state~~
7 ~~agencies pursuant to this subsection and shall report the number of~~
8 ~~persons so employed in its annual report for the Office of~~
9 ~~Management and Enterprise Services required by Section 840-1.6A of~~
10 ~~this title.~~

11 SECTION 38. AMENDATORY 74 O.S. 2011, Section 840-4.13,
12 as amended by Section 908, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
13 2013, Section 840-4.13), is amended to read as follows:

14 Section 840-4.13 A. Based upon the results of competitive
15 entrance ~~examinations~~ assessments and ~~registers~~ lists, as provided
16 by the Oklahoma ~~Personnel~~ Career Service Act, the Director of the
17 Office of Management and Enterprise Services shall certify to the
18 appointing authority the names of the ten persons receiving the
19 highest grade or score in said ~~examinations~~ assessments plus all
20 eligible applicants whose grade or score is tied with the lowest
21 ranking of those so eligible.

22 B. In addition to establishing statewide ~~registers~~ lists
23 pursuant to subsection A of this section, the Director is hereby
24 authorized to promulgate rules creating ~~a local register~~ additional

1 ~~lists to fill a vacancy in a local office of an agency by providing~~
2 ~~a certificate of available names of eligible persons who are~~
3 ~~residents of the county where the local office is located or said~~
4 ~~county and adjacent counties or a group of contiguous counties~~
5 ~~comprising a service area of an agency. Available eligible~~
6 ~~residents shall be certified ahead of other available eligible~~
7 ~~persons who reside outside the area of the local register. In~~
8 ~~filling vacant positions, the appointing authority shall select any~~
9 ~~one of the persons whose names have been so certified and may give~~
10 ~~preference in all cases to persons who have resided in this state~~
11 ~~for at least one (1) year prior to the date of the examination.~~
12 ~~Provided, however, that any appointing authority authorized to~~
13 ~~employ persons who are not citizens of the United States, pursuant~~
14 ~~to Section 255 of this title, may request the Office to certify only~~
15 ~~the names of persons who are citizens of the United States in~~
16 ~~carrying out the provisions of this section; and such appointing~~
17 ~~authority may select any person so certified to the Director to fill~~
18 ~~such vacant positions even though a noncitizen may have received a~~
19 ~~higher grade on the examination. Provided, further, that any~~
20 ~~appointing authority may select special disabled veterans considered~~
21 ~~for employment pursuant to Sections 401 through 404 of Title 72 of~~
22 ~~the Oklahoma Statutes. The Department of Public Safety, in filling~~
23 ~~vacancies for Highway Patrol Cadets, may disqualify any eligible~~
24 ~~whose name has been certified for Highway Patrol Cadet pursuant to~~

1 ~~subsection A of this section, if the Department of Public Safety~~
2 ~~considers the eligible in connection with the hiring of three other~~
3 ~~eligibles pursuant to subsection A of this section from that~~
4 ~~certificate. The name of such disqualified eligible shall be~~
5 ~~omitted from further certification to, and consideration by, the~~
6 ~~Department of Public Safety for appointment as a Highway Patrol~~
7 ~~Cadet to the Highway Patrol Academy for which vacancies are being~~
8 ~~filled. Such disqualification shall neither deprive any person of~~
9 ~~any preference pursuant to paragraph 3 of subsection A of Section~~
10 ~~840-4.14 of this title nor deprive any person from certification to,~~
11 ~~and consideration by, the Department of Public Safety for~~
12 ~~appointment as a Highway Patrol Cadet to a subsequent Highway Patrol~~
13 ~~Academy. The Department of Public Safety shall provide written~~
14 ~~notice of the disqualification to the Office of Management and~~
15 ~~Enterprise Services. The Department of Corrections, in filling~~
16 ~~vacancies for Correctional Officer Cadets and Probation and Parole~~
17 ~~Officers, may disqualify any eligible whose name has been certified~~
18 ~~for Correctional Officer Cadet or Probation and Parole Officer,~~
19 ~~pursuant to subsection A of this section, if the Department of~~
20 ~~Corrections considers the eligible in connection with the hiring of~~
21 ~~three other eligibles pursuant to subsection A of this section from~~
22 ~~that or any other certificate. The name of such disqualified~~
23 ~~eligible shall be omitted from future certification to, and~~
24 ~~consideration by, the Department of Corrections for appointment as a~~

1 ~~Correctional Officer Cadet or Probation and Parole Officer for a~~
2 ~~period of six (6) months, at which time the eligible may request~~
3 ~~restoration to the register by the Office of Management and~~
4 ~~Enterprise Services. Such disqualification shall not deprive any~~
5 ~~person of any preference pursuant to paragraph 3 of subsection A of~~
6 ~~Section 840-4.14 of this title. The Department of Corrections shall~~
7 ~~provide written notice of the disqualification to the Office of~~
8 ~~Management and Enterprise Services and any additional guidelines~~
9 ~~concerning recruitment, selection, placement and disqualifications.~~

10 C. Agencies may fill positions requiring professional practice
11 licensure and hard-to-fill positions pursuant to authorization by
12 the Director without regard to subsections A and B of this section.
13 The Director shall promulgate rules to authorize agencies to fill
14 positions directly, pursuant to this subsection. Such rules shall
15 include criteria for identifying professional practice licensure
16 positions and hard-to-fill positions which shall not require
17 establishment of an employment list of eligible persons or the
18 application of veterans preference. ~~The Director shall monitor~~
19 ~~appointments made by agencies pursuant to this subsection and shall~~
20 ~~establish recordkeeping and reporting procedures and the conditions~~
21 ~~under which the Director may withdraw authorization for agencies to~~
22 ~~directly hire persons into hard-to-fill positions. Nothing in this~~
23 ~~subsection shall be construed to waive any requirement for any job~~
24 ~~or position established by statute or the Director.~~

1 D. Every person, except as provided in subsection E of this
2 section, upon initial appointment under the ~~classified~~ career
3 service, shall be appointed for a probationary period of one (1)
4 year, except that the appointing authority may waive in writing the
5 remainder of the probationary period at any time after a
6 probationary employee has served six (6) months; provided, however,
7 that the employee and the Director of the Office of Management and
8 Enterprise Services shall be notified in writing as to such action
9 and the reason therefor. The probationary appointment of any person
10 may be terminated at any time during the probationary period without
11 the right of appeal. At the close of the probationary period, as
12 herein provided, said person shall acquire a permanent status under
13 the conditions prescribed in the Oklahoma ~~Personnel~~ Career Service
14 Act.

15 E. Every person initially appointed under the ~~classified~~ career
16 service as an agent of the Alcoholic Beverage Laws Enforcement
17 Commission shall be appointed for a probationary period of one (1)
18 year.

19 F. In working with appointing authorities in determining
20 minimum qualifications for a position, the Director of the Office of
21 Management and Enterprise Services shall require an appointing
22 authority to justify in writing any reasons for excluding from
23 consideration relevant public or private sector experience
24 applicable to the position.

1 SECTION 39. AMENDATORY 74 O.S. 2011, Section 840-4.14,
2 as last amended by Section 109, Chapter 15, O.S.L. 2013 (74 O.S.
3 Supp. 2013, Section 840-4.14), is amended to read as follows:

4 Section 840-4.14 A. ~~In establishing employment lists of~~
5 ~~eligible persons for competitive and noncompetitive appointment,~~
6 ~~certain preferences shall be allowed for honorably discharged~~
7 ~~veterans as defined by Section 67.13a and Section 67.13b of Title 72~~
8 ~~of the Oklahoma Statutes. In determination of the register rank:~~

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

12 2. ~~Five points shall be added to the final grade of any person~~
13 ~~who has passed the examination and has submitted proof of having~~
14 ~~status as a spouse of a veteran who is unemployable due to a~~
15 ~~service-connected disability as certified by the Department of~~
16 ~~Veterans Affairs or agency of the Defense Department within six (6)~~
17 ~~months of date of application; and~~

18 3. ~~Ten points shall be added to the final grade of any veteran~~
19 ~~who has passed the examination and has submitted proof of having a~~
20 ~~service-connected disability as certified by the Department of~~
21 ~~Veterans Affairs or agency of the Defense Department within six (6)~~
22 ~~months of date of application. Such veterans' names shall be placed~~
23 ~~at the top of the register in accordance with their numerical rating~~
24 ~~if in receipt of benefits payable at the rate of thirty percent~~

1 ~~(30%) or more and such veterans shall not be denied employment and~~
2 ~~passed over for other veterans or nonveterans, without showing~~
3 ~~cause. Acceptable cause shall include a reasonable expectation of~~
4 ~~the inability of the preferenced applicant to satisfactorily perform~~
5 ~~at the required level of the position and shall be reviewed in each~~
6 ~~instance by the Director of the Office of Management and Enterprise~~
7 ~~Services. If the Director finds that acceptable cause for the~~
8 ~~denial of employment to the preferenced applicant does not exist,~~
9 ~~the appointing authority shall be required to hire the preferenced~~
10 ~~applicant. The position shall not be permanently filled until the~~
11 ~~Director has issued his findings~~ The Office of Management and
12 Enterprise Services shall create and promulgate rules for the Office
13 of Veterans Placement for the purpose of attracting, recruiting,
14 hiring, and retaining qualified veterans into the career service.

15 B. ~~War veterans, as defined by Section 67.13a of Title 72 of~~
16 ~~the Oklahoma Statutes, who have been awarded the Purple Heart or~~
17 ~~have a service-incurred disability rated by the Department of~~
18 ~~Veterans Affairs or a branch of the Armed Forces of the United~~
19 ~~States and who have been a resident of Oklahoma for at least one (1)~~
20 ~~year prior to the date of the examination, shall be authorized to~~
21 ~~open any closed register established by the Merit System of~~
22 ~~Personnel Administration~~ Services of the Office of Veterans shall
23 include employment counseling, assistance in identifying
24 transferable military skills, qualifications and career assessment,

1 assistance in drafting competitive resumes, instruction in
2 developing comprehensive job search strategies, and job placement
3 assistance.

4 C. ~~Subsection A of this~~ Veterans who utilize the Office of
5 Veterans Placement shall be guaranteed an interview for qualifying
6 career service positions.

7 D. This section shall not apply to special disabled veterans
8 who are considered for employment under the provisions of Sections
9 401 through 404 of Title 72 of the Oklahoma Statutes. Provided,
10 said veterans may elect instead to be considered for employment
11 according to the procedures set out in this section.

12 ~~D. In addition to the points added to the final grade of any~~
13 ~~eligible veteran pursuant to subsection A of this section, any~~
14 ~~veteran who meets the basic qualifications for a position shall be~~
15 ~~interviewed in person in order to allow the veteran to demonstrate~~
16 ~~any transferable skills acquired in military service.~~

17 SECTION 40. AMENDATORY 74 O.S. 2011, Section 840-5.1, as
18 amended by Section 912, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2013, Section 840-5.1), is amended to read as follows:

20 Section 840-5.1 Unless otherwise provided, offices and
21 positions in the ~~unclassified~~ executive service are in no way
22 subject to any of the provisions of this act or of the rules and
23 regulations promulgated hereunder except leave regulations.

24 Provided, offices and positions of the State Senate and House of

1 Representatives shall not be subject to regulations of the Office of
2 Management and Enterprise Services on involuntary leave without pay
3 or furlough but shall be subject to any involuntary leave without
4 pay or furlough plan adopted by the President Pro Tempore of the
5 Senate or the Speaker of the House of Representatives. No person
6 chosen by election or appointment to fill an elective office shall
7 be subject to any leave plan or regulation or shall such person be
8 eligible for accrual of any leave benefits.

9 SECTION 41. AMENDATORY 74 O.S. 2011, Section 840-5.1A,
10 as amended by Section 913, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
11 2013, Section 840-5.1A), is amended to read as follows:

12 Section 840-5.1A A. Within state government, persons appointed
13 to a position in the ~~unclassified~~ executive service after June 30,
14 1996, shall serve at the pleasure of the appointing authority.
15 Appointing authorities shall not convey any right or expectation of
16 continued employment to such ~~unclassified~~ executive service
17 employees. The appointing authority may separate such ~~unclassified~~
18 executive service employees at any time with or without cause. No
19 provision of the Oklahoma ~~Personnel~~ Career Service Act shall be
20 construed as granting any property interest in employment to any
21 unclassified service employee.

22 B. Nothing in this section is intended to change the status of
23 any ~~unclassified~~ executive service employee appointed to a position
24 on or before June 30, 1996.

1 C. This section shall not apply to persons in positions in
2 institutions under the jurisdiction of the Oklahoma State Regents
3 for Higher Education or subject to the University Hospitals
4 Authority Model Personnel System created pursuant to Section 3211 of
5 Title 63 of the Oklahoma Statutes.

6 D. Agencies may provide severance benefits pursuant to Section
7 840-2.27D of this title to ~~regular-unclassified~~ executive service
8 employees with one (1) year or more continuous state service who are
9 separated from the state service for budgetary reasons. A plan
10 providing for such benefits shall be submitted to the Director of
11 the Office of Management and Enterprise Services who shall reject
12 any plan that does not:

13 1. Demonstrate that funds are available to cover projected
14 costs;

15 2. Contain an estimate of the number of affected employees
16 likely to participate in the education voucher program established
17 in Section 840-2.27D of this title; and

18 3. Contain an estimate of the cost savings or reduced
19 expenditures likely to be achieved by the agency.

20 SECTION 42. AMENDATORY 74 O.S. 2011, Section 840-5.2A,
21 as amended by Section 914, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
22 2013, Section 840-5.2A), is amended to read as follows:

23 Section 840-5.2A All persons employed by the Ethics Commission
24 prior to March 18, 1998, shall be in and shall have been in such

1 status in the ~~classified or unclassified~~ career and executive
2 service as shown on their individual records on file in the Office
3 of Management and Enterprise Services. The employment records of
4 such persons on file in the Office of Management and Enterprise
5 Services shall be controlling as to the status of such persons and
6 the positions they occupy or occupied.

7 SECTION 43. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
8 last amended by Section 30, Chapter 214, O.S.L. 2013 (74 O.S. Supp.
9 2013, Section 840-5.5), is amended to read as follows:

10 Section 840-5.5 A. The following offices, positions, and
11 personnel shall be in the ~~unclassified~~ executive service and shall
12 not be placed under the ~~classified~~ career service:

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

17 ~~2. Members of boards and commissions, and heads of agencies;~~
18 ~~also one principal assistant or deputy and one executive secretary~~
19 ~~for each state agency;~~

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

21 ~~4. Persons employed with one-time, limited duration, federal or~~
22 ~~other grant funding that is not continuing or indefinitely~~
23 ~~renewable. The length of the unclassified employment shall not~~
24

1 ~~exceed the period of time for which that specific federal funding is~~
2 ~~provided;~~

3 ~~5. All officers and employees of The Oklahoma State System of~~
4 ~~Higher Education, State Board of Education and Oklahoma Department~~
5 ~~of Career and Technology Education;~~

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

15 ~~7. Election officials and employees;~~

16 ~~8. Temporary employees employed to work less than one thousand~~
17 ~~(1,000) hours in any twelve-month period, and seasonal employees~~
18 ~~employed by the Oklahoma Tourism and Recreation Department pursuant~~
19 ~~to Section 2241 of this title who work less than one thousand six~~
20 ~~hundred (1,600) hours in any twelve-month period;~~

21 ~~9. Department of Public Safety employees occupying the~~
22 ~~following offices or positions:~~

23 ~~a. administrative aides to the Commissioner,~~

24 ~~b. executive secretaries to the Commissioner,~~

~~e. the Governor's representative of the Oklahoma Highway
Safety Office who shall be appointed by the Governor,
d. Highway Patrol Colonel,
e. Highway Patrol Lieutenant Colonel,
f. Director of Finance,
g. noncommissioned pilots,
h. Information Systems Administrator,
i. Law Enforcement Telecommunications System Specialist,
j. Director of Driver Compliance,
k. Director of Transportation Division,
l. Director of the Oklahoma Highway Safety Office,
m. Civil Rights Administrator,
n. Budget Analyst,
o. Comptroller,
p. Chaplain,
q. Helicopter Mechanic,
r. Director of Safety Compliance,
s. Human Resources Director,
t. Administrator of Department Services, and
u. a maximum of seven (7) positions for the purpose of
administering programs in the Oklahoma Highway Safety
Office, within full-time employee limitations of the
Department, employed with federal funding that is
continuing or indefinitely renewable. The~~

1 authorization for such positions shall be terminated
2 if the federal funding for positions is discontinued;
3 provided, any person appointed to a position prescribed in
4 subparagraph d or e of this paragraph shall have a right of return
5 to the classified commissioned position without any loss of rights,
6 privileges or benefits immediately upon completion of the duties in
7 the unclassified commissioned position;

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

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

17 a. an institution of higher learning within The Oklahoma
18 State System of Higher Education,

19 b. an institution of higher learning qualified to become
20 coordinated with The Oklahoma State System of Higher
21 Education. For purposes of this section, a student
22 shall be considered a regularly enrolled student if
23 the student is enrolled in a minimum of five (5) hours
24 of accredited graduate courses or a minimum of ten

~~(10) hours of accredited undergraduate courses, provided, however, the student shall only be required to be enrolled in a minimum of six (6) hours of accredited undergraduate courses during the summer, or~~

~~e. high school students regularly enrolled in a high school in Oklahoma and regularly attending classes during such time of enrollment;~~

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

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

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

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

~~a. Administrative aides, and executive secretaries to the Commissioners,~~

- ~~b. Directors of all the divisions, personnel managers and comptrollers,~~
- ~~e. General Counsel,~~
- ~~d. Public Utility Division Chief Engineer,~~
- ~~e. Public Utility Division Chief Accountant,~~
- ~~f. Public Utility Division Chief Economist,~~
- ~~g. Public Utility Division Deputy Director,~~
- ~~h. Secretary of the Commission,~~
- ~~i. Deputy Conservation Director,~~
- ~~j. Manager of Pollution Abatement,~~
- ~~k. Manager of Field Operations,~~
- ~~l. Manager of Technical Services,~~
- ~~m. Public Utility Division Chief of Telecommunications,~~
- ~~n. Director of Information Services,~~
- ~~o. All Data Processing employees hired on or after September 1, 2005,~~
- ~~p. All Public Utilities employees hired on or after September 1, 2007,~~
- ~~q. All Regulatory Program Managers hired on or after September 1, 2007, and~~
- ~~r. All Pipeline Safety Department employees hired on or after September 1, 2008;~~

~~16. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency~~

1 ~~having a primary responsibility to coordinate educational programs~~
2 ~~operated for children in state institutions;~~

3 ~~17. Department of Mental Health and Substance Abuse Services~~
4 ~~personnel occupying the following offices and positions at each~~
5 ~~facility:~~

- 6 a. ~~Director of Facility,~~
- 7 b. ~~Deputy Director for Administration,~~
- 8 c. ~~Clinical Services Director,~~
- 9 d. ~~Executive Secretary to Director, and~~
- 10 e. ~~Directors or Heads of Departments or Services;~~

11 ~~18. Office of Management and Enterprise Services personnel~~
12 ~~occupying the following offices and positions:~~

- 13 a. ~~State Comptroller,~~
- 14 b. ~~Administrative Officers,~~
- 15 c. ~~Alternator Claims Auditor,~~
- 16 d. ~~Employees hired to fulfill state compliance agency~~
17 ~~requirements under Model Tribal Gaming Compacts,~~
- 18 e. ~~Employees of the Budget Division,~~
- 19 f. ~~Employees of the Fiscal and Research Division,~~
- 20 g. ~~Employees hired to work on the CORE Systems Project;~~
21 ~~and~~
- 22 h. ~~The following employees of the Information Services~~
23 ~~Division:~~
 - 24 ~~(1) Information Services Division Manager,~~

- 1 ~~(2) Network Manager,~~
- 2 ~~(3) Network Technicians,~~
- 3 ~~(4) Security Manager,~~
- 4 ~~(5) Contracts/Purchasing Manager,~~
- 5 ~~(6) Operating and Applications Manager,~~
- 6 ~~(7) Project Manager,~~
- 7 ~~(8) Help Desk Manager,~~
- 8 ~~(9) Help Desk Technicians,~~
- 9 ~~(10) Quality Assurance Manager,~~
- 10 ~~(11) ISD Analysts,~~
- 11 ~~(12) CORE Manager,~~
- 12 ~~(13) Enterprise System/Database Software Manager,~~
- 13 ~~(14) Data Center Operations and Production Manager,~~
- 14 ~~(15) Voice Communications Manager,~~
- 15 ~~(16) Applications Development Manager,~~
- 16 ~~(17) Projects Manager,~~
- 17 ~~(18) PC's Manager,~~
- 18 ~~(19) Servers Manager,~~
- 19 ~~(20) Portal Manager,~~
- 20 ~~(21) Procurement Specialists,~~
- 21 ~~(22) Security Technicians,~~
- 22 ~~(23) Enterprise Communications and Network~~
- 23 ~~Administrator,~~
- 24 ~~(24) Server Support Specialists,~~

- 1 ~~(25) Senior Server Support Specialists,~~
- 2 ~~(26) Systems Support Specialists,~~
- 3 ~~(27) Senior Systems Support Specialists,~~
- 4 ~~(28) Chief Technology Officer,~~
- 5 ~~(29) Facility Manager,~~
- 6 ~~(30) Application Development Specialists,~~
- 7 ~~(31) Senior Application Development Specialists,~~
- 8 ~~(32) Workstation Specialists,~~
- 9 ~~(33) Senior Workstation Specialists,~~
- 10 ~~(34) Cabling Infrastructure Administration,~~
- 11 ~~(35) Planning Specialists,~~
- 12 ~~(36) Senior Planning Specialists,~~
- 13 ~~(37) Network Specialists,~~
- 14 ~~(38) Senior Network Specialists,~~
- 15 ~~(39) Voice Communication Specialists, and~~
- 16 ~~(40) Senior Voice Communication Specialists;~~

17 ~~19. Employees of the Oklahoma Industrial Finance Authority;~~

18 ~~20. Those positions so specified in the annual business plan of~~
19 ~~the Oklahoma Department of Commerce;~~

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

22 ~~22. The following positions and employees of the Oklahoma~~
23 ~~School of Science and Mathematics;~~

24

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

12 ~~23. Office of Management and Enterprise Services employees~~
13 ~~occupying the following positions:~~

- 14 a. ~~the Carl Albert Internship Program Coordinator,~~
15 b. ~~one Administrative Assistant,~~
16 c. ~~one Workforce Planning Manager,~~
17 d. ~~Assistant Administrators,~~
18 e. ~~one Associate Administrator, and~~
19 f. ~~Division Directors;~~

20 ~~24. Department of Labor personnel occupying the following~~
21 ~~offices and positions:~~

- 22 a. ~~two Deputy Commissioners,~~
23 b. ~~two Executive Secretaries to the Commissioner,~~
24 c. ~~Chief of Staff,~~

1 ~~d. two Administrative Assistants,~~

2 ~~e. Information Systems Administrator,~~

3 ~~f. three Safety and Health Directors,~~

4 ~~g. Research Director,~~

5 ~~h. Employment Standards Director,~~

6 ~~i. Asbestos Director,~~

7 ~~j. General Counsel,~~

8 ~~k. one Legal Secretary,~~

9 ~~l. one Docket Clerk, and~~

10 ~~m. two Information Systems Application Specialists;~~

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

12 ~~26. The Oklahoma Employment Security Commission employees~~

13 ~~occupying the following positions:~~

14 ~~a. Associate Director,~~

15 ~~b. Secretary to the Associate Director, and~~

16 ~~c. Assistant to the Executive Director;~~

17 ~~27. Officers and employees of the State Banking Department;~~

18 ~~28. Officers and employees of the University Hospitals~~

19 ~~Authority except personnel in the state classified service pursuant~~

20 ~~to Section 3211 of Title 63 of the Oklahoma Statutes and members of~~

21 ~~the University Hospitals Authority Model Personnel System created~~

22 ~~pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma~~

23 ~~Statutes or as otherwise provided for in Section 3213.2 of Title 63~~

24 ~~of the Oklahoma Statutes;~~

1 ~~29. Alcoholic Beverage Laws Enforcement Commission employees~~
2 ~~occupying the following positions:~~

- 3 ~~a. three Administrative Service Assistant positions,~~
4 ~~however, employees in such positions who are in the~~
5 ~~unclassified service on June 4, 2003, may make an~~
6 ~~election to be in the classified service without a~~
7 ~~loss in salary by September 1, 2003, and~~
- 8 ~~b. the Deputy Director position in addition to the one~~
9 ~~authorized by paragraph 2 of this subsection;~~

10 ~~30. The Oklahoma State Bureau of Investigation employees~~
11 ~~occupying the following positions:~~

- 12 ~~a. five assistant directors,~~
- 13 ~~b. six special investigators,~~
- 14 ~~c. one information representative,~~
- 15 ~~d. one federally funded physical evidence technician,~~
- 16 ~~e. four federally funded laboratory analysts,~~
- 17 ~~f. a maximum of fourteen positions employed for the~~
18 ~~purpose of managing the automated information systems~~
19 ~~of the agency,~~
- 20 ~~g. one executive secretary in addition to the one~~
21 ~~executive secretary authorized pursuant to paragraph 2~~
22 ~~of this subsection,~~
- 23 ~~h. Child Abuse Response Team (CART) investigator,~~

- 1 ~~i. Child Abuse Response Team (CART) forensic interviewer,~~
2 ~~and~~
3 ~~j. nine administration and research positions and five~~
4 ~~data processing and information technology positions~~
5 ~~transferred from the Criminal Justice Resource Center~~
6 ~~pursuant to Section 150.17a of this title;~~

7 ~~31. The Department of Transportation, the following positions:~~

- 8 ~~a. Director of the Oklahoma Aeronautics Commission,~~
9 ~~b. five Department of Transportation Assistant Director~~
10 ~~positions,~~
11 ~~c. eight field division engineer positions,~~
12 ~~d. one pilot position,~~
13 ~~e. five Project Manager Positions, and~~
14 ~~f. five Transportation Coordinators;~~

15 ~~32. Commissioners of the Land Office employees occupying the~~
16 ~~following positions:~~

- 17 ~~a. Director of the Investments Division,~~
18 ~~b. Assistant Director of the Investments Division,~~
19 ~~c. one Administrative Assistant,~~
20 ~~d. one Audit Tech position,~~
21 ~~e. one Auditor I position,~~
22 ~~f. two Accounting Tech I positions,~~
23 ~~g. two Administrative Assistant I positions,~~
24 ~~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;~~

~~33. 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
if the federal funding for the positions is
discontinued,~~
- ~~b. one executive secretary in addition to the one
authorized pursuant to paragraph 2 of this subsection,~~
- ~~c. one fiscal officer,~~
- ~~d. one full-time Programmer, and~~
- ~~e. one full-time Network Engineer;~~

1 ~~34. The Military Department of the State of Oklahoma is~~
2 ~~authorized such unclassified employees within full-time employee~~
3 ~~limitations to work in any of the Department of Defense directed~~
4 ~~youth programs, the State of Oklahoma Juvenile Justice youth~~
5 ~~programs, those persons reimbursed from Armory Board or Billeting~~
6 ~~Fund accounts, and skilled trade positions;~~

7 ~~35. Within the Oklahoma Commission on Children and Youth the~~
8 ~~following unclassified positions:~~

9 ~~a. one Oversight Specialist and one Community Development~~
10 ~~Planner,~~

11 ~~b. one State Plan Grant Coordinator, provided~~
12 ~~authorization for the position shall be terminated~~
13 ~~when federal support for the position by the United~~
14 ~~States Department of Education Early Intervention~~
15 ~~Program is discontinued,~~

16 ~~c. one executive secretary in addition to the one~~
17 ~~authorized pursuant to paragraph 2 of this subsection,~~
18 ~~and~~

19 ~~d. one Programs Manager;~~

20 ~~36. The following positions and employees of the Office of~~
21 ~~Management and Enterprise Services:~~

22 ~~a. one Executive Secretary in addition to the Executive~~
23 ~~Secretary authorized by paragraph 2 of this~~
24 ~~subsection,~~

- 1 ~~b. the Director of Central Purchasing,~~
- 2 ~~c. one Alternate Fuels Administrator,~~
- 3 ~~d. one Director of Special Projects,~~
- 4 ~~e. three postauditors,~~
- 5 ~~f. four high-technology contracting officers,~~
- 6 ~~g. one Executive Assistant to the Purchasing Director,~~
- 7 ~~h. four Contracts Managers,~~
- 8 ~~i. one Associate Director,~~
- 9 ~~j. one specialized HiTech/Food Contracting Officer,~~
- 10 ~~k. one State Use Contracting Officer,~~
- 11 ~~l. one Property Distribution Administrator,~~
- 12 ~~m. three licensed architects assigned to the Construction~~
13 ~~and Properties Division,~~
- 14 ~~n. three licensed engineers assigned to the Construction~~
15 ~~and Properties Division,~~
- 16 ~~o. eight construction consultants assigned to the~~
17 ~~Construction and Properties Division,~~
- 18 ~~p. one attorney assigned to the Construction and~~
19 ~~Properties Division,~~
- 20 ~~q. three positions assigned to the Information Services~~
21 ~~Division, which shall include one Information~~
22 ~~Technology Manager, one Applications Specialist and~~
23 ~~one Data Planning Specialist,~~
- 24

- ~~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;~~

~~37. 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;~~

~~38. J.D. McCarty Center for Children with Developmental Disabilities personnel occupying the following offices and positions:~~

- ~~a. Physical Therapists,~~
- ~~b. Physical Therapist Assistants,~~
- ~~c. Occupational Therapists,~~
- ~~d. Certified Occupational Therapist Aides, and~~
- ~~e. Speech Pathologists;~~

1 ~~39. The Development Officer, the Director of the State Museum~~
2 ~~of History and the Cherokee Strip Regional Heritage Center Director~~
3 ~~within the Oklahoma Historical Society;~~

4 ~~40. Oklahoma Department of Agriculture, Food, and Forestry~~
5 ~~personnel occupying the following positions:~~

- 6 ~~a. one Executive Secretary in addition to the Executive~~
7 ~~Secretary authorized by paragraph 2 of this subsection~~
8 ~~and one Executive Assistant,~~
- 9 ~~b. nineteen Agricultural Marketing Coordinator III~~
10 ~~positions,~~
- 11 ~~c. temporary fire suppression personnel, regardless of~~
12 ~~the number of hours worked, who are employed by the~~
13 ~~Oklahoma Department of Agriculture, Food, and~~
14 ~~Forestry; provided, however, notwithstanding the~~
15 ~~provisions of any other section of law, the hours~~
16 ~~worked by such employees shall not entitle such~~
17 ~~employees to any benefits received by full-time~~
18 ~~employees,~~
- 19 ~~d. one Information Technology Specialist,~~
- 20 ~~e. one Director of Administrative Services,~~
- 21 ~~f. one Water Quality Consumer Complaint Coordinator,~~
- 22 ~~g. one hydrologist position,~~
- 23 ~~h. Public Information Office Director,~~
- 24 ~~i. one Information Technology Technician,~~

- 1 ~~j. Legal Services Director,~~
- 2 ~~k. Animal Industry Services Director,~~
- 3 ~~l. Agricultural Environmental Management Services~~
4 ~~Director,~~
- 5 ~~m. Forestry Services Director,~~
- 6 ~~n. Plant Industry and Consumer Services Director,~~
- 7 ~~o. one Grants Administrator position,~~
- 8 ~~p. Director of Laboratory Services,~~
- 9 ~~q. Chief of Communications,~~
- 10 ~~r. Public Information Manager,~~
- 11 ~~s. Inventory/Supply Officer,~~
- 12 ~~t. five Agriculture Field Inspector positions assigned~~
13 ~~the responsibility for conducting inspections and~~
14 ~~audits of agricultural grain storage warehouses. All~~
15 ~~other Agriculture Field Inspector positions and~~
16 ~~employees of the Oklahoma Department of Agriculture,~~
17 ~~Food, and Forestry shall be classified and subject to~~
18 ~~the provisions of the Merit System of Personnel~~
19 ~~Administration. On November 1, 2002, all other~~
20 ~~unclassified Agriculture Field Inspectors shall be~~
21 ~~given status in the classified service as provided in~~
22 ~~Section 840-4.2 of this title,~~
- 23 ~~u. Rural Fire Coordinator,~~
- 24 ~~v. one Agricultural Marketing Coordinator I,~~

- 1 w. ~~Food Safety Division Director,~~
- 2 x. ~~two Environmental Program Specialists,~~
- 3 y. ~~two Scale Technicians,~~
- 4 z. ~~two Plant Protection Specialists, and~~
- 5 aa. ~~Chief Agent;~~

6 41. ~~The Contracts Administrator within the Oklahoma State~~
7 ~~Employees Benefits Council;~~

8 42. ~~The Development Officer within the Oklahoma Department of~~
9 ~~Libraries;~~

10 43. ~~Oklahoma Real Estate Commission personnel occupying the~~
11 ~~following offices and positions:~~

- 12 a. ~~Educational Program Director, and~~
- 13 b. ~~Data Processing Manager;~~

14 44. ~~A Chief Consumer Credit Examiner for the Department of~~
15 ~~Consumer Credit;~~

16 45. ~~All officers and employees of the Oklahoma Capitol Complex~~
17 ~~and Centennial Commemoration Commission;~~

18 46. ~~All officers and employees of the Oklahoma Motor Vehicle~~
19 ~~Commission;~~

20 47. ~~One Museum Archivist of The Will Rogers Memorial~~
21 ~~Commission;~~

22 48. ~~One Fire Protection Engineer of the Office of the State~~
23 ~~Fire Marshal;~~

1 ~~49. Acting incumbents employed pursuant to Section 209 of Title~~
2 ~~44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not~~
3 ~~be included in any limitation on full-time equivalency imposed by~~
4 ~~law on an agency. Permanent classified employees may request a~~
5 ~~leave of absence from classified status and accept an unclassified~~
6 ~~appointment and compensation as an acting incumbent with the same~~
7 ~~agency; provided, the leave shall expire no later than two (2) years~~
8 ~~from the date of the acting incumbent appointment. An appointing~~
9 ~~authority may establish unclassified positions and appoint~~
10 ~~unclassified employees to perform the duties of a permanent~~
11 ~~classified employee who is on leave of absence from a classified~~
12 ~~position to serve as an acting incumbent. All unclassified~~
13 ~~appointments created pursuant to this paragraph shall expire no~~
14 ~~later than two (2) years from the date of appointment. Classified~~
15 ~~employees accepting unclassified appointments and compensation~~
16 ~~pursuant to this paragraph shall be entitled to participate without~~
17 ~~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 ~~paragraph, 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 ~~50. The Oklahoma Homeland Security Director and all other~~
2 ~~positions assigned the responsibilities of working in the Oklahoma~~
3 ~~Office of Homeland Security;~~

4 ~~51. The following eighteen (18) positions in the State~~
5 ~~Department of Health:~~

- 6 ~~a. one surveillance supervisor,~~
- 7 ~~b. one surveillance project monitor,~~
- 8 ~~c. two bilingual interviewers,~~
- 9 ~~d. eight senior interviewers, and~~
- 10 ~~e. six interviewers;~~

11 ~~52. State Board of Licensure for Professional Engineers and~~
12 ~~Land Surveyors personnel occupying the following offices and~~
13 ~~positions:~~

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

16 ~~53. One Information Systems Data Management Analyst of the~~
17 ~~State and Education Employees Group Insurance Board;~~

18 ~~54. Two Management Information Systems positions of the Office~~
19 ~~of Juvenile Affairs; and~~

20 ~~55. Heads of agencies, principal assistants or deputies and~~
21 ~~executive secretaries of an agency that is consolidated into another~~
22 ~~agency.~~

1 ~~B. If an agency has the authority to employ personnel in the~~
2 ~~following offices and positions, the appointing authority shall have~~
3 ~~the discretion to appoint personnel to the unclassified service:~~

4 ~~1. Licensed medical doctors, osteopathic physicians, dentists,~~
5 ~~psychologists, and nurses;~~

6 ~~2. Certified public accountants;~~

7 ~~3. Licensed attorneys;~~

8 ~~4. Licensed veterinarians; and~~

9 ~~5. Licensed pharmacists.~~

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

16 ~~D. The appointing authority of agencies participating in the~~
17 ~~statewide information systems project may establish unclassified~~
18 ~~positions and appoint unclassified employees to the project as~~
19 ~~needed. Additional unclassified positions may be established, if~~
20 ~~required, to appoint an unclassified employee to perform the duties~~
21 ~~of a permanent classified employee who is temporarily absent from a~~
22 ~~classified position as a result of assignment to this project. All~~
23 ~~unclassified appointments under this authority shall expire no later~~
24 ~~than December 31, 2007, and all unclassified positions established~~

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

18 1. Any officer or employee appointed by the Governor and all
19 positions in the Governor's and Lieutenant Governor's offices;

20 2. Any person chosen by popular vote or appointed to fill an
21 executive branch elective office in the executive branch of
22 government;

23 3. All judges, elected or appointed, and their employees;
24

- 1 4. All officers and employees of The Oklahoma State System of
2 Higher Education;
- 3 5. Any legislators, employees of the Legislature, and the
4 Legislative Service Bureau;
- 5 6. Members of boards and commissions and one principal
6 assistant or their equivalent authority;
- 7 7. Agency directors or their equivalent authority in each state
8 agency;
- 9 8. Deputy directors or their equivalent authority in each state
10 agency;
- 11 9. Any division director or equivalent authority with statewide
12 responsibility for operational administration, policy development or
13 implementation as defined by the mission of that agency, or the
14 primary legislative function in each board, commission, or that
15 state;
- 16 10. Executive assistants directly reporting to executive
17 directors or their deputies;
- 18 11. Licensed medical physicians, licensed osteopathic
19 physicians, licensed dentists, licensed veterinarians, licensed
20 pharmacists, physician's assistants, advanced nurse practitioners,
21 and licensed mental health professionals, actively utilizing their
22 licenses in their primary job functions;
- 23 12. Licensed attorneys engaged in the practice of law and
24 representing the state in such capacity;

1 13. Certified Public Accountants utilizing their certification
2 in their primary job duty;

3 14. Head of Public Information Division;

4 15. Wardens and directors of state-operated correctional
5 facilities, or mental health or developmental centers, and veterans,
6 juvenile, and state-operated facilities that provide twenty-four-
7 hour direct care; and

8 16. Time-limited positions including but not limited to
9 temporary employees, grant employees, or interns.

10 B. All other full-time positions in state services shall be in
11 the career service.

12 C. An employee shall become a member of the career service upon
13 successful completion of the probationary period.

14 D. An employee in the executive service is an employee at will
15 and serves at the pleasure of the employee's appointment authority.

16 E. Employees shall have a combined twelve (12) months of
17 executive branch state service upon conversion to the career service
18 or they shall serve the remainder of the time period as a
19 probationary employee.

20 F. The Administrator of the Human Capital Management Division
21 of the Office of Management and Enterprise Services shall determine
22 equivalent levels for the purpose of assigning positions not
23 specifically addressed in subsection A of this section to the career
24 or executive service. Such determinations may be based on duties,

1 responsibilities and reporting relationships and may be subject to
2 review through any procedure determined by the Administrator of the
3 Human Capital Management Division of the Office of Management and
4 Enterprise Services; provided, that within any department
5 implementation of this subsection shall not jeopardize federal
6 funding resources.

7 SECTION 44. AMENDATORY 74 O.S. 2011, Section 840-5.16,
8 as amended by Section 918, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2013, Section 840-5.16), is amended to read as follows:

10 Section 840-5.16 A. There is hereby created the State Work
11 Incentive Program aimed at employing participants in the Temporary
12 Assistance for Needy Families Program in Oklahoma and vocational
13 rehabilitation clients of the State Department of Rehabilitation
14 Services in the state service. The program shall focus on placement
15 of persons in entry-level positions. The Department of Human
16 Services and the State Department of Rehabilitation Services shall
17 notify agencies in all branches of state government of this program
18 and shall certify to appointing authorities and the Director of the
19 Office of Management and Enterprise Services that a person is a
20 participant in the Temporary Assistance for Needy Families Program
21 or is a vocational rehabilitation client of the State Department of
22 Rehabilitation Services before the person is eligible to be employed
23 under the State Work Incentive Program by a state agency. Agencies
24 shall cooperate with the Department of Human Services and the State

1 Department of Rehabilitation Services in seeking to provide
2 employment opportunities to persons who are participants in the
3 Temporary Assistance for Needy Families Program or who are
4 vocational rehabilitation clients of the State Department of
5 Rehabilitation Services. The Department of Human Services, the
6 State Department of Rehabilitation Services and the Office of
7 Management and Enterprise Services shall coordinate with agencies to
8 facilitate the transition of participants in the Temporary
9 Assistance for Needy Families Program and vocational rehabilitation
10 clients of the State Department of Rehabilitation Services into the
11 State Work Incentive Program.

12 ~~B. Agencies employing eligible persons in the State Work
13 Incentive Program shall employ them in unclassified status for up to
14 two (2) years in full-time or part-time capacity. State Work
15 Incentive Program positions shall not be included within any
16 limitation on full-time equivalent employee positions for any
17 agency. The service of participants shall be rated pursuant to
18 Section 840-4.17 of this title.~~

19 ~~C. Employees hired under the State Work Incentive Program are
20 eligible for leave benefits and other benefits available to state
21 employees, subject to other eligibility requirements, and may be
22 reassigned or promoted while they are participating in the program.~~

23 ~~D. Employees hired under the State Work Incentive Program shall
24 be eligible for conversion to permanent classified status after two~~

1 ~~(2) years of continuous participation in the program. Such employee~~
2 ~~shall be exempt from probationary hiring procedures including, but~~
3 ~~not limited to, placement on hiring lists and certification from~~
4 ~~registers, provided the employee:~~

5 1. ~~Has had satisfactory performance as evidenced by service~~
6 ~~ratings conducted pursuant to Section 840-4.17 of this title; and~~

7 2. ~~Possesses the minimum requirements specified for an~~
8 ~~applicable job.~~

9 The Director of the Office of Management and Enterprise Services
10 shall promulgate such rules as are necessary for the implementation
11 of the State Work Incentive Program.

12 SECTION 45. AMENDATORY 74 O.S. 2011, Section 840-6.1, is
13 amended to read as follows:

14 Section 840-6.1 A. ~~The Oklahoma Merit Protection Commission~~
15 Office of Management and Enterprise Services shall establish and
16 maintain ~~a mandatory~~ an Alternative Dispute Resolution Program and
17 shall adopt and promulgate such rules as may be necessary for the
18 implementation and management of the program.

19 B. A purpose of the Alternative Dispute Resolution Program is
20 to provide an efficient and economical means ~~and access to effective~~
21 ~~alternative dispute resolution services to all state agencies and~~
22 ~~employees~~ resolve employee complaints and appeals. The Alternative
23 Dispute Resolution Program is not subject to Article II of the
24 Administrative Procedures Act.

1 ~~C. The Oklahoma Merit Protection Commission may require~~
2 ~~employees and agencies to utilize the Alternative Dispute Resolution~~
3 ~~Program to resolve disputes brought before the Commission pursuant~~
4 ~~to Sections 841.13 and 841.15 of Title 74 of the Oklahoma Statutes.~~

5 ~~D. Alternative dispute resolution programs established and~~
6 ~~utilized by the Commission are not subject to Article II of the~~
7 ~~Administrative Procedures Act. The decision in such cases may be~~
8 ~~appealed by any party to the Oklahoma Merit Protection Commission~~
9 ~~and thereafter to district court.~~

10 SECTION 46. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 840-6.1A of Title 74, unless
12 there is created a duplication in numbering, reads as follows:

13 A. There is hereby created the Career Service Commission. The
14 Career Service Commission shall be responsible for administering,
15 rendering final decisions, and acting as the appeals body for
16 appeals filed pursuant to the provisions of Section 840-2.5 of Title
17 74 of the Oklahoma Statutes and Section 49 of this act. The appeals
18 process shall be established pursuant to the rules promulgated by
19 the Office of Management and Enterprise Services.

20 B. The Commission shall consist of the following:

- 21 1. Three members appointed by the Governor;
22 2. Two members appointed by the Speaker of the House of
23 Representatives;

1 3. Two members appointed by the President Pro Tempore of the
2 Senate;

3 4. One appointed by the Minority Leader of the Senate; and

4 5. One appointed by the Minority Leader of the House of
5 Representatives.

6 C. The members of the Commission shall have demonstrated
7 professional experience in human resources or employment law and
8 shall serve four-year terms.

9 D. No member of the Career Service Commission shall be a
10 lobbyist registered in this state as provided by law.

11 E. Any vacancy that occurs on the Career Service Commission
12 shall be filled for the unexpired term in the same manner as the
13 office was previously filled.

14 F. Any person serving as an appointed member of the Career
15 Service Commission on July 1, 2015, shall be eligible for
16 reappointment when the term of office of the member expires.

17 G. The Office of Management and Enterprise Services shall
18 provide the personnel and administrative support to the Commission.

19 H. Appeals before the Commission, including final decisions,
20 shall be subject to the Oklahoma Administrative Procedures Act and
21 the provisions thereof for judicial review of agency decisions by
22 the district court.

23
24

1 SECTION 47. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 840-6.2A of Title 74, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The Office of Management and Enterprise Services shall
5 promulgate rules and establish internal agency complaint procedures
6 for career service employees.

7 B. Each agency shall make the internal agency complaint process
8 known to employees.

9 C. No employee shall be disciplined or otherwise prejudiced in
10 his or her employment for filing or participating in a complaint.

11 D. Executive service employees shall only file an internal
12 agency complaint regarding discrimination, retaliation, or loss of
13 base pay.

14 E. Internal agency complaint issues for career service
15 employees include, but are not limited to, informal discipline,
16 withholding of work, classification, reclassification, promotion,
17 leave, performance appraisal, length of service, overtime,
18 compensatory time, change in work location in excess of twenty-five
19 (25) miles, suspension without pay for three (3) days or less,
20 counseling, or any alleged violation of the Oklahoma Career Service
21 Act or Career Service rules. A complaint must demonstrate a
22 negative impact on an employee's employment. The complaint process
23 shall not include a change of work location of less than twenty-five
24 (25) miles, work assignments, shift changes, time and place of

1 employment, mandatory overtime, or hours of employment, as such
2 shall be within the sole and final discretion of the employing state
3 agency.

4 F. An employee who files a complaint under this section shall
5 file the complaint as soon as possible after the occurrence of the
6 act or condition complained of and not later than fifteen (15)
7 business days after the date the employee became aware, or by the
8 exercise of reasonable diligence should have become aware, of the
9 occurrence giving rise to the complaint. If the employee fails to
10 file the complaint within the fifteen (15) business days, the rights
11 under this section lapse and are deemed to have been waived in their
12 entirety by the employee. Internal complaint procedures established
13 by the Office of Management and Enterprise Services shall have the
14 following minimum requirements:

- 15 1. Informal resolution at the lowest possible level;
- 16 2. Established time periods; and
- 17 3. The employee's right to be represented, except the initial
18 informal discussion with the immediate supervisor.

19 G. The appointing authority shall designate complaint managers.
20 Complaint managers shall meet the training requirements established
21 by the Office of Management and Enterprise Services.

22 H. Each agency shall maintain complaint records as determined
23 by the Office of Management and Enterprise Services. Agencies shall
24 keep records of complaints separate and apart from employee

1 personnel files. An employee or former employee shall have a right
2 to his or her complaint files.

3 I. All final decisions shall be rendered no later than one
4 hundred sixty (160) days after the date of the filing of the
5 complaint. The Office of Management and Enterprise Services shall
6 have the authority to grant extensions in the case of extenuating
7 circumstances.

8 SECTION 48. AMENDATORY 74 O.S. 2011, Section 840-6.3, is
9 amended to read as follows:

10 Section 840-6.3 A. Each appointing authority shall establish
11 written policies and procedures for ~~progressive~~ discipline of
12 employees according to the rules established by the ~~Oklahoma Merit~~
13 ~~Protection Commission~~ Office of Management and Enterprise Services.

14 B. ~~Progressive discipline~~ Discipline is a system designed to
15 ensure ~~not only~~ the consistency, impartiality and predictability of
16 discipline, ~~but also~~ and to provide for the flexibility to vary
17 penalties if justified by aggravating or mitigating conditions.
18 ~~Typically, penalties range~~ Discipline ranges from verbal warning to
19 discharge, ~~with intermediate levels of a written warning, suspension~~
20 ~~or demotion. Absent mitigating circumstances, repetition of an~~
21 ~~offense is accompanied by a generally automatic progression to the~~
22 ~~next higher level of discipline.~~

23 C. Each supervisor shall be responsible for applying discipline
24 when necessary that is ~~progressive in nature~~, appropriate for the

1 offense, and equitable. Each supervisor shall consider aggravating
2 or mitigating circumstances when determining the proper disciplinary
3 action. Each supervisor shall use prompt, positive action to avoid
4 more serious disciplinary actions. The ~~Oklahoma Merit Protection~~
5 ~~Commission~~ Office of Management and Enterprise Services shall
6 promulgate rules to establish the requirements and guidelines for
7 discipline.

8 D. The rules shall prohibit supervisors from considering
9 incidents that occurred longer than ~~four (4)~~ three (3) years prior
10 to an offense in order to move to a higher level of discipline. The
11 prohibition shall not apply to incidents involving the following
12 types of conduct:

- 13 1. Criminal activity;
- 14 2. Sexual misconduct and/or harassment;
- 15 3. Racially discriminatory behavior and/or harassment;
- 16 4. Threats or acts of violence against employees in the
17 workplace; ~~and~~
- 18 5. Drug and/or alcohol use or abuse on the job or violating the
19 agency's drug and alcohol program;
- 20 6. Consumer, client, citizen abuse, neglect or mistreatment;
21 and
- 22 7. Abuse, neglect, or mistreatment of anyone in the care or
23 custody of the state.

24

1 SECTION 49. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 840-6.4A of Title 74, unless
3 there is created a duplication in numbering, reads as follows:

4 A. The purpose of this section is to establish the discipline
5 process for discharge, suspension without pay for more than three
6 (3) days, or demotion of career service employees.

7 B. Any career service employee may be discharged, suspended
8 without pay for not to exceed twenty (20) working days per incident,
9 or demoted by the agency, department, institution, or officer, for
10 misconduct, insubordination, inefficiency, inability to perform the
11 duties of the position in which employed, dereliction of duty, leave
12 abuse, unsatisfactory attendance, poor performance, violations of
13 the Oklahoma Career Service Act, the Career Service Rules for
14 Employment, conduct unbecoming a public employee, or any other
15 reasonable cause. Employees in the career service, upon final
16 conviction of, or pleading guilty or nolo contendere to, a felony
17 shall be discharged if the felony is job-related pursuant to Section
18 24.1 of Title 51 of the Oklahoma Statutes. Before any action is
19 taken against a career service employee, the employing agency,
20 department, institution or officer shall provide the employee with a
21 written statement of the specific acts or omissions that are causes
22 or reasons for the proposed action, an explanation of the agency's
23 evidence, and an opportunity to present reasons why the proposed
24 action is improper either in writing or verbally at the appointing

1 authority's discretion. The employee shall have five (5) business
2 days to respond to proposed disciplinary action. An extension may
3 be granted under reasonable circumstances. Any verbal response will
4 be recorded. The appointing authority shall have ten (10) business
5 days from receipt of the employee's verbal or written response to
6 make a final disciplinary decision. The final disciplinary decision
7 shall be personally served upon the employee or sent by certified
8 mail, return receipt requested to the employee's home address of
9 record.

10 SECTION 50. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 840-6.5A of Title 74, unless
12 there is created a duplication in numbering, reads as follows:

13 A. An employee in the career service who has successfully
14 completed the required probationary period may file a complaint
15 concerning the dismissal, demotion, or the suspension of the
16 employee for more than three (3) days.

17 B. An executive service employee shall not have standing to
18 file a complaint pursuant to this section.

19 C. Within fifteen (15) business days after the occurrence of
20 the action or after the date the employee became aware of the
21 action, the employee may file a written request for review with the
22 Office of Management and Enterprise Services.

23

24

1 D. All written requests for review shall be resolved pursuant
2 to the rules promulgated by the Office of Management and Enterprise
3 Services.

4 E. Decisions rendered pursuant to subsection D of this section
5 may be appealed to the Career Service Commission. Unless otherwise
6 provided for by statute, an appeal to the Commission under this
7 section shall be filed within fifteen (15) business days of
8 receiving the decision of the Office of Management and Enterprise
9 Services.

10 F. The Career Service Commission may order payment of
11 reasonable attorney fees and costs to the prevailing party if the
12 position of the nonprevailing party was without reasonable basis or
13 was frivolous.

14 G. The Office of Management and Enterprise Services shall
15 promulgate rules establishing an appeals process and implementing
16 the provisions within this section.

17 SECTION 51. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 840-6.6A of Title 74, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Any employee in the career service who has successfully
21 completed the required probationary period or in the executive
22 service shall only file an appeal under this section involving
23 complaints of discrimination, retaliation, loss of base pay or
24 alleged violation of Section 840-2.5 of this title.

1 B. Prior to filing an appeal under this section the filing
2 party must have exhausted its remedies under Sections 45 and 48 of
3 this act.

4 C. Unless otherwise provided for by statute, an appeal pursuant
5 to this section shall be filed within fifteen (15) business days
6 after the occurrence of the action or after the date the employee
7 became aware of the action.

8 D. All appeals shall be resolved within one hundred sixty (160)
9 days after the date of the filing of the appeal pursuant to Section
10 45 of this act and rules promulgated by the Office of Management and
11 Enterprise Services. The Office of Management and Enterprise
12 Services shall have the authority to grant extensions in the case of
13 extenuating circumstances.

14 E. The Career Service Commission may order payment of
15 reasonable attorney fees and costs to the prevailing party if the
16 position of the nonprevailing party was without reasonable basis or
17 was frivolous.

18 F. The Office of Management and Enterprise Services shall
19 promulgate rules establishing and implementing the provisions of
20 this section.

21 SECTION 52. AMENDATORY 74 O.S. 2011, Section 840-6.9, as
22 amended by Section 921, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2013, Section 840-6.9), is amended to read as follows:

24

1 Section 840-6.9 A. ~~The Oklahoma Merit Protection Commission or~~
2 Director of the Office of Management and Enterprise Services or the
3 Career Service Commission may levy an administrative fine not to
4 exceed Five Thousand Dollars (\$5,000.00) against any person, ~~whether~~
5 ~~subject to the provisions of the merit system or in unclassified~~
6 ~~service,~~ who after proper notice fails or refuses, within a
7 reasonable period of time, to implement a written order of the
8 ~~Oklahoma Merit Protection Commission or the Director of the Office~~
9 of Management and Enterprise Services or the Commission. Such fine
10 shall be assessed against the person who violates the order and
11 shall not be paid by any monies of the employing entity in which the
12 person is employed or serves.

13 B. Any person against whom an administrative fine is levied who
14 continues the violation for an unreasonable period of time, as
15 determined by the ~~Oklahoma Merit Protection Commission or Director~~
16 ~~of the~~ Office of Management and Enterprise Services, shall forfeit
17 his or her position and shall be ineligible for appointment to or
18 employment in state government for a period of five (5) years.

19 C. Any fines collected pursuant to this section shall be
20 deposited to the revolving fund of the respective entity which
21 levies the fine.

22 SECTION 53. AMENDATORY 74 O.S. 2011, Section 150.17, is
23 amended to read as follows:

24

1 Section 150.17 A. Effective July 1, 1980, the Statistical
2 Analysis Division of the present Oklahoma Crime Commission shall be
3 transferred to the Oklahoma State Bureau of Investigation. All
4 unexpended funds, property, records, personnel and any outstanding
5 financial obligations or encumbrances of the Crime Commission which
6 relate to the Statistical Analysis Division are hereby transferred
7 to the Oklahoma State Bureau of Investigation.

8 B. Effective July 1, 1988, the personnel transferred from the
9 Oklahoma Crime Commission to the Oklahoma State Bureau of
10 Investigation and persons occupying the position of any such
11 personnel on July 1, 1988, shall become subject to the provisions of
12 the ~~Merit~~ Career Service System of Personnel Human Resources
13 Administration. All incumbent employees subject to this subsection
14 shall be classified without regard to status or ~~examinations~~
15 assessments. Such employees shall be granted status in the class of
16 positions to which the employee's position is allocated by the
17 Office of ~~Personnel~~ Management and Enterprise Services.

18 C. It is the intent of the Legislature that the mission of the
19 Statistical Analysis Division not be changed by this transfer, and
20 that the Oklahoma State Bureau of Investigation continue prior
21 cooperative agreements made with the Criminal Justice Agencies of
22 the state.

23 SECTION 54. AMENDATORY 74 O.S. 2011, Section 5003.5, is
24 amended to read as follows:

1 Section 5003.5 A. The Director of the Department of Commerce
2 shall be appointed by the Governor with the advice and consent of
3 the Senate. The Director shall serve at the pleasure of the
4 Governor and shall continue to serve until a successor is duly
5 appointed and qualified. The salary of the Director shall be set by
6 law.

7 B. The Director shall be qualified for such position by
8 character, personality, ability, education, training and successful
9 administrative experience in the public or private sector.

10 C. The Director shall employ such persons as are necessary to
11 implement the powers and duties of the Department. Because many of
12 the powers and duties of the Department involve working closely with
13 the private sector, certain employee positions of the Department
14 must be governed, classified and compensated in a manner that
15 compares equally to similar positions in the private sector.
16 Therefore, in the annual business plan, the Director shall list,
17 describe and justify all such positions and their compensation and
18 shall designate and place them in ~~unclassified~~ executive service
19 status, exempt from the provisions of the Oklahoma ~~Personnel~~ Career
20 Service Act. All other employees and positions shall be ~~classified~~
21 career service and subject to the provisions of the ~~Merit~~ Career
22 Service System of Personnel Human Resources Administration as
23 provided in the Oklahoma ~~Personnel~~ Career Service Act. Provided,
24 nothing in this section shall be construed to limit the authority of

1 the Legislature to specify the status of positions otherwise by law.
2 Neither shall the Director have the authority to circumvent,
3 disregard or otherwise disobey specific provisions of law regarding
4 positions in the Department.

5 D. The Director shall serve on the board of:

6 1. The Oklahoma Industrial Finance Authority;

7 2. The Oklahoma Science and Technology Research and Development
8 Board;

9 3. The Oklahoma Development Finance Authority;

10 4. The Executive Bond Oversight Commission; and

11 5. The Oklahoma Ordnance Works Authority.

12 E. The Director may serve as administrator of any interlocal
13 agreement or compact to pursue economic development and to assign
14 any employees of the Department or employee personnel to carry out
15 duties or obligations pursuant to any interlocal agreement or
16 compact for economic development.

17 F. The Director, at his or her discretion, may approve payment
18 for affiliations or memberships of the Department or, if necessary,
19 associate memberships for individual employees in international,
20 national, or state economic development councils, professional
21 organizations, or governmental associations.

22 SECTION 55. REPEALER 74 O.S. 2011, Sections 840-1.7,
23 840-1.8, 840-1.12, 840-1.13, 840-1.21, 840-2.6, 840-2.7, as amended
24 by Section 872, Chapter 304, O.S.L. 2012, 840-2.27F, as amended by

1 Section 887, Chapter 304, O.S.L. 2012, 840-3.4, as last amended by
2 Section 4, Chapter 237, O.S.L. 2013, 840-4.19, 840-5.2, 840-5.2B, as
3 amended by Section 915, Chapter 304, O.S.L. 2012, 840-5.4, 840-5.6,
4 840-5.7, 840-5.8, 840-5.9, 840-5.12, 840-5.13, 840-5.15, 840-5.18,
5 840-5.19, 840-5.20, 840-5.21, 840-5.23, 840-5.24, 840-6.2, 840-6.4,
6 840-6.5, as amended by Section 920, Chapter 304, O.S.L. 2012, 840-
7 6.6, 840-6.7, 840-6.8 and 661.1 (74 O.S. Supp. 2013, Sections 840-
8 2.7, 840-2.27F, 840-3.4, 840-5.2B and 840-6.5), are hereby repealed.

9 SECTION 56. AMENDATORY 3 O.S. 2011, Section 84.2, is
10 amended to read as follows:

11 Section 84.2 A. Beginning July 1, 2002, the Oklahoma
12 Aeronautics Commission shall cease to be part of or a division of
13 the Department of Transportation and shall be deemed to be a
14 separate and distinct agency, to be known as the Oklahoma
15 Aeronautics Commission, ~~and not under the Merit System of Personnel~~
16 ~~Administration.~~ The Oklahoma Aeronautics Commission and the
17 Director of Aeronautics shall continue to exercise their statutory
18 powers, duties, and responsibilities. All records, property,
19 equipment, assets, monies, matters pending, and funds of the
20 division shall be transferred to the Oklahoma Aeronautics
21 Commission.

22 B. 1. The number of full-time-equivalent employees for the
23 Oklahoma Aeronautics Commission shall not be less than ten, nor more
24 than the number of employees currently allowed by law for the

1 Oklahoma Aeronautics Commission division of the Department of
2 Transportation and who transfer to the Oklahoma Aeronautics
3 Commission pursuant to this section. In no event shall the total
4 full-time-equivalent employees of the Oklahoma Aeronautics
5 Commission transferring or electing to remain with the Department of
6 Transportation exceed eighteen full-time-equivalent positions.

7 ~~2. All full-time-equivalent employee positions for the Oklahoma~~
8 ~~Aeronautics Commission shall not be under the Merit System of~~
9 ~~Personnel Administration and shall be considered unclassified~~
10 ~~service. All employees shall serve at the pleasure of the Director~~
11 ~~of the Oklahoma Aeronautics Commission.~~

12 ~~3.~~ The Oklahoma Aeronautics Commission and the Department of
13 Transportation may enter into an agreement for the transfer of
14 personnel from the Department of Transportation to the Oklahoma
15 Aeronautics Commission. No employee shall be transferred to the
16 Oklahoma Aeronautics Commission except on the freely given written
17 consent of the employee. ~~All classified employees under the Merit~~
18 ~~System of Personnel Administration who are not transferred to the~~
19 ~~Oklahoma Aeronautics Commission shall retain the status in the class~~
20 ~~to which the position occupied by the employee on July 1, 2002, is~~
21 ~~allocated by the Office of Personnel Management. The salary of such~~
22 ~~an employee shall not be reduced as a result of such position~~
23 ~~allocation. All employees who are transferred to the Oklahoma~~
24 ~~Aeronautics Commission shall not be required to accept a lesser~~

1 ~~grade or salary than presently received.~~ All employees shall retain
2 leave, sick and annual time earned, and any retirement and longevity
3 benefits which have accrued during their tenure with the Department
4 of Transportation. The transfer of personnel between the state
5 agencies shall be coordinated with the Office of Personnel
6 Management.

7 C. The Oklahoma Aeronautics Commission shall be authorized to
8 rent, lease, or own the appropriate office space and property in
9 order to conduct its business. The Oklahoma Aeronautics Commission
10 is authorized to accept gifts, bequests, devises, contributions, and
11 grants, public or private, including federal funds or funds from any
12 other source for use in furthering the purpose of the Oklahoma
13 Aeronautics Commission.

14 D. Funding for the Oklahoma Aeronautics Commission shall be
15 provided for in the appropriation process of the Legislature, in
16 addition to any other funding provided by law. The expenses
17 incurred by the Oklahoma Aeronautics Commission as a result of the
18 transfer required by this section shall be paid by the Oklahoma
19 Aeronautics Commission.

20 E. The division within the Department of Transportation known
21 as the Oklahoma Aeronautics Commission shall be abolished by the
22 Transportation Commission after the transfer has been completed.

23 F. The Director of ~~State Finance~~ the Office of Management and
24 Enterprise Services is directed to coordinate the transfer of

1 assets, funds, allotments, purchase orders, liabilities, outstanding
2 financial obligations or encumbrances provided for in this section.
3 The ~~Department of Central Services~~ Office shall coordinate the
4 transfer of property and records provided for in this section.

5 SECTION 57. AMENDATORY 3A O.S. 2011, Section 712, is
6 amended to read as follows:

7 Section 712. A. The executive director of the Oklahoma Lottery
8 Commission, with the approval of the board of trustees, shall employ
9 such personnel as may be necessary to carry out the provisions of
10 this act and shall set the compensation and terms of compensation of
11 such employees. ~~All offices, positions, and personnel of the
12 Oklahoma Lottery Commission shall be in the unclassified service.~~

13 B. No employee of the Commission shall have a financial
14 interest in any vendor doing business or proposing to do business
15 with the Commission.

16 C. No employee of the Commission shall participate in any
17 decision involving a retailer with whom the employee has a financial
18 interest.

19 D. No employee of the Commission who leaves the employment of
20 the Commission may represent any vendor or lottery retailer before
21 the Commission for a period of two (2) years following termination
22 of employment with the Commission.

23 E. A background investigation shall be conducted on each
24 applicant who has reached the final selection process prior to

1 employment by the Commission at the level of division director and
2 above and at any level within any division of security and as
3 otherwise required by the board of trustees of the Oklahoma Lottery
4 Commission. The Commission shall pay for the actual cost of the
5 investigations and shall contract with the Oklahoma State Bureau of
6 Investigation for the performance of the investigations. The
7 results of a background investigation shall not be considered a
8 record open to the public pursuant to the Oklahoma Open Records Act.

9 F. No person who has been convicted of any felony or a
10 misdemeanor involving illegal gambling or involving moral turpitude
11 shall be employed by the Commission, nor shall the Commission employ
12 a person who is awaiting sentencing on a plea of guilt or nolo
13 contendere to such a felony or misdemeanor.

14 G. The Commission shall bond Commission employees with access
15 to Commission funds or lottery revenue in an amount specified by the
16 board and may bond other employees as deemed necessary.

17 SECTION 58. AMENDATORY 53 O.S. 2011, Section 168, is
18 amended to read as follows:

19 Section 168. The Council may make expenditures for its
20 operation within the limits of funds made available to the Council
21 by appropriation or otherwise and may also employ and fix the
22 compensation of the personnel that the Council deems essential to
23 the discharge of its duties as provided by the Oklahoma ~~Personnel~~
24 Career Service Act.

1 SECTION 59. AMENDATORY 56 O.S. 2011, Section 26.17, as
2 amended by Section 230, Chapter 304, O.S.L. 2012 (56 O.S. Supp.
3 2013, Section 26.17), is amended to read as follows:

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

10 B. The Department of Human Services shall be a ~~Merit Career~~
11 Service System agency. The provisions of this section shall
12 supersede and revoke any and all Executive Orders placing the
13 Department of Human Services or its predecessors under the
14 provisions of the ~~Merit Career Service~~ System of ~~Personnel~~ Human
15 Resources Administration.

16 ~~C. In addition to offices, positions, and personnel in the~~
17 ~~unclassified service pursuant to Sections 840-5.3 and 840-5.5 of~~
18 ~~Title 74 of the Oklahoma Statutes, the following offices, positions,~~
19 ~~and personnel shall be in the unclassified service:~~

20 ~~1. Campus police appointed pursuant to Section 162.2 of this~~
21 ~~title;~~

22 ~~2. The legal division or unit established pursuant to Section~~
23 ~~236 of this title;~~

24

1 ~~3. The Construction Unit and the Architectural and Engineering~~
2 ~~Unit or their successor units; and~~

3 ~~4. A maximum of five percent (5%) of the maximum number of~~
4 ~~full-time-equivalent positions authorized by law to the Department~~
5 ~~of Human Services and selected at the discretion of the Director of~~
6 ~~the Department of Human Services. Employees retained in the~~
7 ~~unclassified service under the provisions of this section shall be~~
8 ~~employees at will. Any classified employee occupying a position~~
9 ~~selected by the Director pursuant to this paragraph to become an~~
10 ~~unclassified position may elect to retain classified status. All~~
11 ~~future appointees to such position shall be in the unclassified~~
12 ~~service. The Director shall submit a list of such positions to the~~
13 ~~Office of Management and Enterprise Services by September 1, 2004,~~
14 ~~and annually thereafter.~~

15 ~~D. All other offices, positions and personnel of the Department~~
16 ~~of Human Services shall be classified and subject to the provisions~~
17 ~~of the Merit System of Personnel Administration, as provided in the~~
18 ~~Oklahoma Personnel Act and rules promulgated thereunder.~~

19 SECTION 60. AMENDATORY 63 O.S. 2011, Section 5006, is
20 amended to read as follows:

21 Section 5006. ~~A.~~ There is hereby created the Oklahoma Health
22 Care Authority. The Authority shall have the power and duty to:
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24

- 1 1. Purchase health care benefits for Medicaid recipients, and
2 others who are dependent on the state for necessary medical care, as
3 specifically authorized by law;
- 4 2. Enter into contracts for the delivery of state-purchased
5 health care and establish standards and criteria which must be met
6 by entities to be eligible to contract with the Authority for the
7 delivery of state-purchased health care;
- 8 3. Develop a proposed standard basic health care benefits
9 package or packages to be offered by health services providers, for
10 Medicaid recipients;
- 11 4. Study all matters connected with the provision of state-
12 purchased and state-subsidized health care coverage;
- 13 5. Develop and submit plans, reports and proposals, provide
14 information and analyze areas of public and private health care
15 interaction pursuant to the provisions of the Oklahoma Health Care
16 Authority Act;
- 17 6. Serve as a resource for information on state-purchased and
18 state-subsidized health care access, cost containment and related
19 health issues;
- 20 7. Administer programs and enforce laws placed under the
21 jurisdiction of the Authority pursuant to the Oklahoma Health Care
22 Authority Act, and such other duties prescribed by law;

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24

1 8. Collaborate with and assist the Insurance Commissioner in
2 the development of a Uniform Claim Processing System for use by
3 third-party payors and health care providers;

4 9. Collaborate with and assist the State Department of Health
5 with the development of licensure standards and criteria for pre-
6 paid health plans; and

7 10. Exercise all incidental powers which are necessary and
8 proper to carry out the purposes of the Oklahoma Health Care
9 Authority Act.

10 ~~B. All positions within the Authority shall be unclassified~~
11 ~~until approval of the annual business and personnel plan submitted~~
12 ~~by January 1, 1995, by the Governor and the Legislature. In the~~
13 ~~annual business plan submitted January 1, 1995, the Board shall~~
14 ~~include a personnel plan which shall list, describe and justify all~~
15 ~~unclassified positions within the Authority and their compensation.~~
16 ~~All other employees and positions shall be classified and subject to~~
17 ~~the provisions of the Merit System of Personnel Administration as~~
18 ~~provided in the Oklahoma Personnel Act.~~

19 SECTION 61. AMENDATORY 70 O.S. 2011, Section 17-103, is
20 amended to read as follows:

21 Section 17-103. Except as provided in the Alternate Retirement
22 Plan for Comprehensive Universities Act, the membership of the
23 retirement system shall consist of the following:

1 (1) All ~~classified~~ career service personnel shall become
2 members of the retirement system as a condition of their employment;

3 (2) All full-time ~~nonclassified optional~~ executive service
4 personnel regularly employed for more than one (1) year may join the
5 Teachers' Retirement System subject to the rules and regulations
6 adopted pursuant to this act. Subject to the outcome of the private
7 letter ruling request (2003) submitted by the Board to the Internal
8 Revenue Service (2001), the System shall permit eligible
9 nonclassified optional personnel who have ceased to make otherwise
10 required employee contributions after having made an election to
11 become a member of the retirement system to resume employee
12 contributions. No service shall be credited to any such member for
13 any period of time during which employee contributions were not
14 made;

15 (3) All persons who shall become ~~classified~~ career service
16 personnel or who are regularly employed in any school system as new
17 ~~classified~~ career service personnel after July 1, 1943, hereof,
18 shall become members of the retirement system as a condition of
19 their employment;

20 (4) All other regular school employees may join the Teachers'
21 Retirement System subject to the rules and regulations as may be
22 adopted by the Board of Trustees of the Teachers' Retirement System;

23 (5) The Board of Trustees may, in its discretion, deny the
24 right to become members to any class of members whose compensation

1 is only partly paid by the state, or who is serving on a temporary
2 or other than per annum basis, and it also may, in its discretion,
3 make optional with members in any such class their individual
4 entrance into the retirement system; and

5 (6) Should any member, with less than ten (10) years of
6 teaching service in Oklahoma, in any period of six (6) consecutive
7 years after becoming a member be absent from service more than five
8 (5) years, withdraw his contributions, retire or die, he shall
9 thereupon cease to be a member. The provisions of this paragraph
10 shall not apply to any member of the Teachers' Retirement System who
11 has been a member of such classes of military services as may be
12 approved by the Board of Trustees, until a period of one and one-
13 half (1 1/2) years from date of termination of such service shall
14 have elapsed.

15 SECTION 62. REPEALER 37 O.S. 2011, Section 510A, is
16 hereby repealed.

17 SECTION 63. REPEALER 43A O.S. 2011, Section 2-203, is
18 hereby repealed.

19 SECTION 64. REPEALER 44 O.S. 2011, Section 21.1, is
20 hereby repealed.

21 SECTION 65. REPEALER 63 O.S. 2011, Section 2-103a, is
22 hereby repealed.

23 SECTION 66. REPEALER 72 O.S. 2011, Section 63.7A, is
24 hereby repealed.

1 SECTION 67. This act shall become effective November 1, 2014.

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