

SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

No. _____

(Date)

Mr./Madame President:

I move to amend House Bill No. 3294, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

Senator Jolley

Jolley-MJM-FS-Req#3641
4/14/2014 4:55 PM

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR ENGROSSED

5 HOUSE BILL NO. 3294

By: Osborn of the House

and

Jolley of the Senate

8 FLOOR SUBSTITUTE

9 [state government - creating the Oklahoma Career
10 Service Act of 2014 - repealer - codification -
effective date]

11
12
13 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

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

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

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

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

1 Section 840-1.2 A. It is the purpose of this act to ~~protect~~
2 ~~the public from improper use of authority, to protect public~~
3 ~~officials and employees from unwarranted assaults on their integrity~~
4 ~~and to enforce the protections for classified employees and citizens~~
5 ~~under the Merit System of Personnel Administration. It is further~~
6 ~~the general purpose of this act to establish for the state a system~~
7 ~~to recruit, select, develop and maintain an effective and responsive~~
8 ~~work force; to provide for administrative flexibility and adequate~~
9 ~~and reasonable protection and security for those who have entered~~
10 ~~and will enter into the service of the state; to provide for the~~
11 ~~preservation and protection of the Merit System; and to provide~~
12 ~~policies and procedures for the selection, hiring, retention,~~
13 ~~advancement, career development, job classification, salary~~
14 ~~administration, discipline, discharge and other related activities,~~
15 ~~all in accordance with principles of merit and fitness and equal~~
16 ~~employment opportunity, and to maintain a high level of morale,~~
17 ~~motivation and productivity among state employees~~ establish an
18 effective system of human resources management that will attract,
19 select, retain and promote the best-qualified employees based on
20 merit and equal opportunity, and free from coercive political
21 influences. The intent of this act is to allow agencies flexibility
22 in human resources management within a framework of consistent best
23 practices across all state agencies and entities.
24

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

4 1. Assuring fair treatment of applicants and employees in all
5 aspects of personnel administration without regard to race, color,
6 national origin, gender, age, disability, religion or creed, or
7 political opinions or affiliations. This "fair treatment" principal
8 includes compliance with all applicable state and federal equal-
9 employment-opportunity and nondiscrimination laws;

10 2. Recruiting, selecting, and promoting employees on the basis
11 of their relative skills, abilities, competencies and knowledge,
12 including an open process to consider qualified applicants for
13 initial employment;

14 3. Providing equitable and adequate compensation based on
15 performance, job value and competitiveness and applicable labor
16 markets;

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

20 5. Retaining employees on the basis of their performance,
21 counseling inadequate performance and unacceptable conduct, and
22 terminating employees whose performance or conduct is inadequate,
23 unsuitable or inferior; and

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

5 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-1.3, as
6 amended by Section 868, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
7 2013, Section 840-1.3), is amended to read as follows:

8 Section 840-1.3 As used in the Oklahoma ~~Personnel~~ Career
9 Service Act, unless otherwise provided in Sections 840-1.1 through
10 840-6.9 of this title:

11 1. "Agency" means any office, department, board, commission or
12 institution of the executive branch of state government;

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

15 3. "Appointing authority" means the chief administrative
16 officer of an agency;

17 4. "Classification" means:

18 a. the process of placing an employee into an appropriate
19 job family and level within the job family, consistent
20 with the allocation of the position to which the
21 employee is assigned, or

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

24

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

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

9 7. "Copy" means the duplication of an original document or
10 recording. The copy may be provided in an electronic format
11 generated from technology having electrical, digital, magnetic,
12 wireless, optical, electromagnetic, or similar capabilities;

13 8. "~~Entrance examination~~" means ~~any employment test used by the~~
14 ~~Office of Management and Enterprise Services to rank the names of~~
15 ~~applicants who possess the minimum requirements of education,~~
16 ~~experience, or licensure for a job or group of similar jobs on a~~
17 ~~register of eligibles established by the Office of Management and~~
18 ~~Enterprise Services~~ "Executive service" means employees and
19 positions required to be in the executive service pursuant to
20 Section 840-5.5 of this title;

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

22 10. "Job family" means:

- 23 a. jobs which require similar core skills and involve
24 similar work, and

1 b. a logical progression of roles in a specific type of
2 occupation in which the differences between roles are
3 related to the depth and breadth of experience at
4 various levels within the job family and which are
5 sufficiently similar in duties and requirements of the
6 work to warrant similar treatment as to title, typical
7 functions, knowledge, skills and abilities required,
8 and education and experience requirements;

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

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

13 a. describes a job family, including, but not limited to,
14 the basic purpose, typical functions performed,
15 various levels within the job family, and the
16 knowledge, skills, abilities, education, and
17 experience required for each level, and

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

19 13. "Promotional ~~examination~~ assessment" means any employment
20 ~~test tool~~ assessment designated by the Office of Management and Enterprise
21 Services to determine further the qualifications of a permanent
22 ~~classified~~ career service employee of a state agency for employment
23 in a different job for which the employee possesses the minimum
24

1 qualifications of education, experience, or licensure within that
2 agency;

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

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

9 16. "Job-related organization" means a membership association
10 which collects annual dues, conducts annual meetings and provides
11 job-related education for its members and which includes state
12 employees, including any association for which payroll deductions
13 for membership dues are authorized pursuant to paragraph 5 of
14 subsection B of Section ~~7.10~~ 34.70 of Title 62 of the Oklahoma
15 Statutes;

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

20 18. ~~"Merit Rules" or "Merit~~ "Career Service Rules for
21 Employment" or ~~"Merit System of Personnel Administration Rules"~~
22 "Career Service Code" means rules adopted by the Director of the
23 Office of Management and Enterprise Services ~~or the Oklahoma Merit~~
24 ~~Protection Commission pursuant to the Oklahoma Personnel Act;~~

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

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

8 ~~21. "Permanent classified employee" means a classified service~~
9 ~~employee who has acquired permanent status in accordance with the~~
10 ~~Oklahoma Personnel Act, and rules adopted pursuant thereto, and who~~
11 ~~has the right to appeal involuntary demotion, suspension without~~
12 ~~pay, and discharge to the Commission;~~

13 ~~22. "Presiding official" means a person serving the Oklahoma~~
14 ~~Merit Protection Commission in the capacity of administrative~~
15 ~~hearing officer, mediator, or other alternative dispute resolution~~
16 ~~arbitrator or facilitator;~~

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

21 ~~24. 22. "Reclassification" means the process of changing a~~
22 ~~~~classified~~ career service employee from one job family to another~~
23 ~~job family or from one job family level to another job family level~~
24

1 in the same job family, resulting in a change in the employee's
2 assigned job code;

3 ~~25.~~ 23. "Regular and consistent" means, in connection with the
4 work assignments of an employee, the usual and normal work
5 assignments of the employee, excluding incidental, casual, or
6 occasional tasks and activities the employee assumes without
7 direction to do so. Temporary work assignments of less than sixty
8 (60) days in any twelve (12) consecutive months period shall not be
9 considered regular and consistent;

10 ~~26.~~ "~~Regular unclassified service employee~~" means an
11 ~~unclassified service employee who is not on a temporary or other~~
12 ~~time-limited appointment;~~

13 ~~27.~~ "~~Supervisor~~" means a ~~classified or unclassified officer or~~
14 ~~employee who has been assigned authority and responsibility for~~
15 ~~evaluating the performance of subordinates;~~

16 ~~28.~~ "~~Unclassified service~~" or "~~exempt service~~" means ~~employees~~
17 ~~and positions excluded from coverage of the Oklahoma Merit System of~~
18 ~~Personnel Administration;~~

19 ~~29.~~ 24. "Career Service System" means the ~~Oklahoma~~
20 ~~Merit Career Service System of Personnel Human Resources~~
21 ~~Administration;~~

22 ~~30.~~ 25. "Director" means the appointing authority of the Office
23 of Management and Enterprise Services;

24

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

3 ~~32.~~ 26. "Office" means the Office of Management and Enterprise
4 Services;

5 ~~33.~~ 27. "Commission" means the ~~Oklahoma Merit Protection Career~~
6 Service Commission;

7 ~~34.~~ 28. "Veteran" means a person who has been honorably
8 discharged from the Armed Forces of the United States and has been a
9 resident of Oklahoma for at least one (1) year prior to the date of
10 the ~~examination~~ assessment; and

11 ~~35.~~ 29. "Voluntary out" means the voluntary separation of
12 employees from the state service in exchange for benefits offered by
13 an agency in order to reduce or eliminate the adverse impact of an
14 imminent reduction-in-force.

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

18 Section 840-1.6 A. The internal administrative organization of
19 the Office of Management and Enterprise Services shall be determined
20 by the Director of the Office of Management and Enterprise Services
21 in such a manner as to promote the efficient and effective
22 enforcement of the Oklahoma ~~Personnel~~ Career Service Act.

23 B. The Director of the Office of Management and Enterprise
24 Services may employ attorneys, accountants and other personnel as

1 the Director deems necessary to carry out the duties imposed upon
2 the Office.

3 C. Employees of the Office shall be subject to the ~~Merit~~
4 Oklahoma Career Service System of Personnel Human Resources
5 Administration, unless otherwise exempted by Section 840-5.5 of this
6 title.

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

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

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

21 2. Organize the Office to provide both service and regulatory
22 functions that are effective and efficient in meeting the management
23 needs of various state agencies. The Director is directed to
24 establish an agency service function to assist agencies with human

1 resource needs based upon the administrative capacity and resources
2 of the various agencies;

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

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

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

22 6. Develop a program for the recruitment of qualified persons,
23 including the administration of valid job-related nondiscriminatory
24 selection procedures ~~providing for competitive examinations when~~

1 ~~practical and for reasonable selection criteria when competitive~~
2 ~~examinations are not practical. As part of the recruitment program~~
3 ~~established by this section, the Director may identify positions or~~
4 ~~job family levels for expedited recruitment. Such expedited~~
5 ~~recruitment jobs may include only those jobs where education,~~
6 ~~experience or certification requirements substantially limit the~~
7 ~~pool of available applicants. Applicants who have been certified by~~
8 ~~the Office of Management and Enterprise Services as meeting the~~
9 ~~minimum qualifications for such jobs may be referred to agencies~~
10 ~~with vacancies in such jobs without examination or ranking, and may~~
11 ~~be eligible for appointment upon referral. However, a referral may~~
12 ~~not occur until the register for the job has been publicly announced~~
13 ~~for at least fourteen (14) calendar days. The Director may remove~~
14 ~~positions or job family levels from expedited recruitment at any~~
15 ~~time. The Director shall promulgate rules to implement expedited~~
16 ~~recruitment;~~

17 7. Develop and implement a reasonable and expeditious method
18 for referral of capable candidates for vacancies, probationary
19 periods of employment, and the employment of individuals on other
20 types of appointments as necessary;

21 8. Assist state agencies in implementing their duties and
22 obligations pursuant to the Oklahoma Personnel Career Service Act
23 and provide standard forms to the agencies if necessary;

24

1 9. Develop, in cooperation with appointing authorities,
2 employee training programs, management training programs, a
3 certified public manager program, a recruiting program, and a system
4 of performance appraisals, and assist appointing authorities in the
5 setting of productivity goals. The Director may establish and
6 collect fees for participation in training programs. The Director
7 is authorized to purchase awards for presentation to state employees
8 as part of employee recognition activities sponsored by the Office
9 of Management and Enterprise Services;

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

15 11. Assist the ~~Oklahoma Merit Protection~~ Career Service
16 Commission and the ~~Executive Director~~ in effectuating ~~their~~ its
17 duties, enforcement of the rules of the ~~Merit~~ Career Service System
18 of ~~Personnel~~ Human Resources Administration, and implementation of
19 corrective action issued by the Commission;

20 12. Be responsible for the development and maintenance of a
21 uniform occupation code system, grouped by job titles or duties, for
22 all ~~classified and unclassified~~ career service and executive service
23 state positions. The responsibility shall include the establishment
24

1 of rules governing the identification, tracking, and reporting of
2 all state positions as provided in Section 840-2.13 of this title;

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

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

9 ~~Employees appointed to professional personnel positions shall~~
10 ~~complete an initial training program within one (1) year after~~
11 ~~assuming the professional personnel position. Thereafter, they~~
12 ~~shall complete annual training requirements. Each appointing~~
13 ~~authority shall ensure that all professional personnel employees are~~
14 ~~notified of, and scheduled to attend, required training programs and~~
15 ~~shall make time available for employees to complete the programs.~~

16 The Director shall be authorized to bill agencies for the training
17 of ~~personnel~~ human resources professionals pursuant to this
18 paragraph to recover reasonable costs associated with the training.

19 Monies received for such training shall be deposited in the Human
20 Capital Management Revolving Fund. Expenditure of such funds
21 collected for the training shall be exempt from any expenditure
22 limit on the Office of Management and Enterprise Services
23 established by law;

24

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

- 3 a. selected job family levels with a turnover rate in
4 excess of ten percent (10%),
- 5 b. selected job family levels identified by the Director
6 of the Office of Management and Enterprise Services
7 with salaries and benefits that are ten percent (10%)
8 or more below the market for such positions, and
- 9 c. selected job family levels identified by the Director
10 in which recruitment efforts have yielded a low number
11 of qualified applicants;

12 16. Issue orders directing agencies to:

- 13 a. conform and comply with the provisions of the Oklahoma
14 ~~Personnel~~ Career Service Act, the ~~Merit Rules of~~
15 ~~Personnel~~ Career Service System of Human Resources
16 Administration, and all memoranda or other written
17 communications issued to agencies explaining the
18 Oklahoma ~~Personnel~~ Career Service Act, the Rules, and
19 any other matter relating to the ~~Merit~~ Career Service
20 System of ~~Personnel~~ Human Resources Administration or
21 under the jurisdiction of the Director, and
- 22 b. take action pursuant to Section 840-6.9 of this title
23 for failure to implement those orders;

1 17. Establish a workforce planning function within the Office
2 of Management and Enterprise Services to assist state agencies in
3 analyzing the current workforce, determining future workforce needs,
4 and implementing solutions so that agencies may accomplish their
5 missions; and

6 18. Establish a quality management function within the Office
7 of Management and Enterprise Services and assist state agencies in
8 fully integrating quality management concepts and models into their
9 business practices for the purpose of improving the overall
10 efficiency and effectiveness of state government.

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

14 Section 840-1.9 ~~In addition to any other duties expressly set~~
15 ~~forth by law,~~ All functions, powers, duties and obligations of the
16 Oklahoma Merit Protection Commission shall be transferred to the
17 Office of Management and Enterprise Services. In addition to any
18 other duties expressly set forth by law, the Office of Management
19 and Enterprise Services shall:

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

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

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

6 ~~4.~~ Investigate allegations of violations of the rules of the
7 ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
8 Administration and prohibited activities in the ~~classified~~ career
9 service;

10 ~~5.~~ 4. Establish and maintain a statewide Alternative Dispute
11 Resolution Program to provide dispute resolution services for state
12 agencies and employees. Actions ~~agreed to~~ through the Alternative
13 Dispute Resolution Program ~~provided by the Commission~~ shall be
14 consistent with applicable laws and rules and shall not alter,
15 reduce, or modify any existing right or authority as provided by
16 statute or rule;

17 ~~6.~~ 5. Establish rules, pursuant to the Administrative
18 Procedures Act as may be necessary to perform the duties and
19 functions of the Commission including, but not limited to, rules to
20 monitor state agency ~~grievance~~ complaint processes to ensure full
21 compliance with the law. ~~The Commission may also recommend any
22 changes it deems necessary to improve such grievance processes to
23 the appropriate state agency;~~

1 ~~7.~~ 6. Establish guidelines for the qualifications, duties,
2 responsibilities, authority, power, and continued employment of ~~the~~
3 ~~Executive Director,~~ Administrative Hearing Officers, mediators, and
4 other resolution arbitrators or facilitators;

5 ~~8.~~ 7. Prepare and preserve an audio tape of all proceedings of
6 all hearings conducted by the Commission and furnish transcripts of
7 such tapes upon payment of the costs of such transcripts by the
8 party requesting the transcripts;

9 ~~9.~~ 8. Submit ~~quarterly,~~ annual fiscal year reports on workload
10 statistics to the Governor, the Speaker of the House of
11 Representatives, and the Minority Leader of the House of
12 Representatives, the President Pro Tempore of the Senate ~~containing~~
13 ~~the following information:~~

- 14 ~~a. the number of cases, complaints, and requests for~~
15 ~~hearing filed, disposed of and pending with the~~
16 ~~Commission for each month of the quarter,~~
- 17 ~~b. a numerical breakdown of the methods of disposition of~~
18 ~~such cases, complaints, and requests for hearing,~~
- 19 ~~c. a numerical breakdown of mediations, prehearing~~
20 ~~conferences, and appellate hearings, conducted, and~~
- 21 ~~d. the date of the oldest pending case, complaint, and~~
22 ~~request for hearing.~~

23
24

1 ~~Quarterly reports shall be submitted within thirty (30) days~~
2 ~~following the last day of the month of the appropriate quarter, and~~
3 ~~the Minority Leader of the Senate; and~~

4 ~~10.~~ 9. Make all records of the Commission, except those made
5 confidential by law, available for public inspection, copying and
6 mechanical reproduction, or either of them, in accordance with the
7 Oklahoma Open Records Act and charge a fee not to exceed twenty-five
8 cents (\$0.25) per page as the direct costs of document copying or
9 mechanical reproduction. All fees collected pursuant to the
10 provisions of this paragraph shall be deposited in the ~~Oklahoma~~
11 ~~Merit Protection Commission~~ Human Capital Management Revolving Fund.

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

14 Section 840-1.10 A. ~~A member of the Oklahoma Merit Protection~~
15 ~~Commission and the Executive Director~~ The Office of Management and
16 Enterprise Services and the Career Service Commission shall have
17 power to subpoena witnesses and compel the production of books and
18 papers pertinent to any investigation, dispute resolution or hearing
19 authorized by this act. ~~Members of the Oklahoma Merit Protection~~
20 ~~Commission, the Executive Director, and their~~ The Career Service
21 Commission or its designees shall have the power to administer
22 oaths. Any person who fails to appear in response to a subpoena or
23 to answer any question or produce any books or papers pertinent to
24 any such investigation, dispute resolution or hearing or who shall

1 knowingly give false testimony therein upon conviction shall be
2 subject to penalties pursuant to Section 40 840-6.9 of this act
3 title.

4 B. Any state employee subpoenaed ~~by the Executive Director or~~
5 ~~Commission~~ to appear pursuant to this section shall be reimbursed by
6 the employing agency for expenses as provided in the State Travel
7 Reimbursement Act and shall be paid his or her regular salary for
8 each day that the employee is subpoenaed to appear. ~~Said~~ The
9 reimbursement and payment shall be in lieu of any witness fees to
10 which the employee might otherwise be entitled by law, and a request
11 by a state employee for such fees shall not remove the obligation
12 which the state employee has to honor the subpoena.

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

15 Section 840-1.14 When any officer or employee of the state is
16 in doubt as to the application of the Oklahoma ~~Personnel~~ Career
17 Service Act as to himself or herself or to any employee under his or
18 her supervision, he or she may submit to the Attorney General a full
19 written statement of the facts and questions he or she may have.

20 The Attorney General shall then render an opinion to such person and
21 may publish these opinions, or abstracts thereof, with the use of
22 the name of the person advised unless such person requests otherwise
23 in writing. ~~The Attorney General shall be the legal counsel for the~~
24 ~~Oklahoma Merit Protection Commission and represent it when its~~

1 ~~decisions are appealed to higher courts. The Office of the Attorney~~
2 ~~General shall be legal counsel for and represent the Merit~~
3 ~~Protection Commission notwithstanding its representation of any~~
4 ~~other state department, agency, board or commission in the same or~~
5 ~~related matters pending before the Merit Protection Commission or~~
6 ~~before any court. The Attorney General shall establish internal~~
7 ~~administrative procedures to ensure that both such agencies are~~
8 ~~provided independent legal representation, and such simultaneous~~
9 ~~representation shall not, of itself, be deemed to constitute a~~
10 ~~conflict of interest. In the event the Attorney General determines~~
11 ~~an irreconcilable conflict of interest exists, to the extent that he~~
12 ~~is unable to provide simultaneous representation to both the Merit~~
13 ~~Protection Commission and another state department, agency, board or~~
14 ~~commission the provision of Section 18c-2 of this title shall apply.~~

15 SECTION 9. AMENDATORY 74 O.S. 2011, Section 840-1.18, as
16 amended by Section 869, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
17 2013, Section 840-1.18), is amended to read as follows:

18 Section 840-1.18 A. The administrative expenses and costs of
19 operating the ~~Merit~~ Career Service System shall be paid by the
20 various divisions of the state government included within the ~~Merit~~
21 Career Service System, and each such agency shall be authorized to
22 include in its budget estimates its pro rata share of such costs,
23 and shall remit such shares quarterly from departmental or agency
24 funds to the Office of Management and Enterprise Services who shall

1 deposit such shares to the credit of the General Revenue Fund of the
2 State Treasury.

3 B. The Director shall maintain accurate records reflecting the
4 costs of administering its provisions, and at the close of each
5 quarter-year period shall summarize ~~said~~ the costs, and shall bill
6 each department or agency included within the terms of the Oklahoma
7 ~~Personnel~~ Career Service Act with a pro rata share of the
8 administrative costs based on the relationship between the quarterly
9 average number of employees in the ~~classified~~ career service of such
10 department or agency, and the quarterly average number of employees
11 in the ~~classified~~ career service of the state.

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

15 D. Any state agency for which the Director provides payroll
16 services shall pay for such services at a rate established by the
17 Director, which shall be based upon the cost to the Director of
18 providing such services. Each agency shall remit payment for such
19 services quarterly from departmental or agency funds to the Director
20 who shall deposit such payments into the Office of Management and
21 Enterprise Services Revolving Fund created in Section 840-1.20 of
22 this title.

23 E. No state disbursing or auditing officer shall make or
24 approve or take any part in making or approving any payment for

1 personal service to any person holding a position in the state
2 ~~classified~~ career service, brought under the Oklahoma ~~Personnel~~
3 Career Service Act unless the payroll voucher or account of such pay
4 bears the certification of the appointing authority or designee,
5 that the persons named therein have been appointed and employed in
6 accordance with the provisions of the Oklahoma ~~Personnel~~ Career
7 Service Act and the rules promulgated hereunder. The appointing
8 authority or designee may for proper cause withhold certification
9 from an entire payroll or from any specific item or items thereon.

10 Any citizen may maintain a suit to restrain a disbursing officer
11 from making any payment in contravention of any provision of the
12 Oklahoma ~~Personnel~~ Career Service Act or rules promulgated
13 hereunder. Any sum paid contrary to any provision of the Oklahoma
14 ~~Personnel~~ Career Service Act or any rule promulgated hereunder may
15 be recovered in an action maintained by any citizen, from any
16 officer who made, approved or authorized such payment or who signed
17 or countersigned a voucher, payroll, check or warrant for such
18 payment, or from the sureties on the official bond of any such
19 officer. All monies recovered in any such action shall be paid into
20 the State Treasury.

21 Any person appointed or employed in contravention of any
22 provision of the Oklahoma ~~Personnel~~ Career Service Act or any rules
23 or orders promulgated hereunder, whose employment is brought within
24 the terms of the Oklahoma ~~Personnel~~ Career Service Act, who performs

1 service for which he or she is not paid, may maintain an action
2 against the officer or officers who purported to appoint or employ
3 the person to recover the agreed pay for such services, or the
4 reasonable value thereof if no pay was agreed upon. No officer
5 shall be reimbursed by the state at any time for any sum paid to
6 such person on account of such services.

7 If the appointing authority or designee wrongfully withholds
8 certification of the payroll voucher or account of any employee,
9 such employee may maintain an action or proceeding in the courts to
10 compel the appointing authority or designee to certify such payroll
11 voucher or account.

12 SECTION 10. AMENDATORY 74 O.S. 2011, Section 840-1.19,
13 as amended by Section 9, Chapter 303, O.S.L. 2012 (74 O.S. Supp.
14 2013, Section 840-1.19), is amended to read as follows:

15 Section 840-1.19 It shall be the responsibility of each
16 appointing authority to distribute copies of the ~~Merit System of~~
17 ~~Personnel Administration~~ Career Service Rules for Employment
18 promulgated and published by the Office of Management and Enterprise
19 Services ~~or the Merit Protection Commission, respectively,~~ to all
20 ~~classified~~ career service employees at the request of the ~~Executive~~
21 ~~Director of the Commission or~~ the Director of the Office.

22 SECTION 11. AMENDATORY 74 O.S. 2011, Section 840-1.20,
23 as amended by Section 10, Chapter 303, O.S.L. 2012 (74 O.S. Supp.
24 2013, Section 840-1.20), is amended to read as follows:

1 Section 840-1.20 A. There is hereby created in the State
2 Treasury a revolving fund for the Office of Management and
3 Enterprise Services to be designated the "Human Capital Management
4 Revolving Fund". The fund shall be a continuing fund, not subject
5 to fiscal year limitations, for the purpose of paying the costs
6 incurred in performing the duties and functions imposed upon the
7 Office of Management and Enterprise Services and shall consist of
8 fees and all other monies received by the Office of Management and
9 Enterprise Services for providing training for a certified public
10 managers program, and all other monies received by the Office of
11 Management and Enterprise Services, except for appropriated monies
12 and monies received as payment for administrative expenses under
13 Section 840-1.18 of this title. All monies accruing to the credit
14 of the fund are hereby appropriated and may be budgeted and expended
15 by the Office of Management and Enterprise Services for defraying
16 the costs incurred in performing the duties and functions of the
17 Office. Expenditures from the fund shall be made upon warrants
18 issued by the State Treasurer against claims filed as prescribed by
19 law with the Director of the Office of Management and Enterprise
20 Services for approval and payment.

21 B. There is hereby created a petty cash fund not to exceed Two
22 Hundred Fifty Dollars (\$250.00) for the Office of Management and
23 Enterprise Services. The Director of the Office of Management and
24

1 Enterprise Services shall prescribe the rules and procedures for the
2 administration of the petty cash fund.

3 C. Any monies in or obligations against the Oklahoma Merit
4 Protection Commission Revolving Fund, Employee Benefits Revolving
5 Fund and the Benefits Council Administration Revolving Fund shall be
6 transferred to the Human Capital Management Revolving Fund. Funds
7 previously designated for deposit into the Oklahoma Merit Protection
8 Commission Revolving Fund, Employee Benefits Revolving Fund and the
9 Benefits Council Administration Revolving Fund shall be deposited
10 into the Human Capital Management Revolving Fund.

11 D. The Office of Management and Enterprise Services is hereby
12 directed to pay from the fund the costs of transcribing the record
13 of any proceeding before the Office of Management and Enterprise
14 Services, which record may be designated by an indigent respondent,
15 if such respondent first establishes indigent condition through
16 execution of an in forma pauperis affidavit upon a form approved by
17 the Office of Management and Enterprise Services; provided, that if
18 the indigent respondent has a financial recovery the fund shall be
19 reimbursed from the proceeds.

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

22 Section 840-2.5 A. This section shall be known and may be
23 cited as the "Whistleblower Act". The purpose of the Whistleblower
24 Act is to encourage and protect the reporting of wrongful

1 governmental activities and to deter retaliation against state
2 employees for reporting those activities. No conviction of any
3 person shall be required to afford protection for any employee under
4 this section.

5 B. For purposes of this section, "agency" means any office,
6 department, commission or institution of the state government. No
7 officer or employee of any state agency shall prohibit or take
8 disciplinary action against employees of such agency, whether
9 subject to the provisions of the ~~Merit~~ Career Service System or in
10 ~~unclassified~~ executive service, for:

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

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

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

22 4. Taking any of the above actions without giving prior notice
23 to the employee's supervisor or anyone else in the employee's chain
24 of command.

1 C. ~~Any person who has authority to take, direct others to take,~~
2 ~~recommend or approve any personnel action shall not take or fail to~~
3 ~~take any personnel action with respect to any employee for filing an~~
4 ~~appeal or testifying on behalf of~~ No person shall take an adverse
5 action against, or in any way retaliate against, any person filing
6 an appeal with the ~~Oklahoma Merit Protection~~ Career Service
7 Commission. This section shall not be construed as prohibiting
8 disciplinary action of an employee who discloses information which
9 the employee:

- 10 1. Knows to be false;
- 11 2. Knowingly and willfully discloses with reckless disregard
12 for its truth or falsity; or
- 13 3. Knows to be confidential pursuant to law.

14 D. Each state agency, department, institution, board and
15 commission in all branches of state government, including all
16 institutions in The Oklahoma State System of Higher Education, shall
17 prominently post or publish a copy of this section of law in
18 locations where it can reasonably be expected to come to the
19 attention of all employees.

20 E. As used in this section:

- 21 1. "Disciplinary action" means any direct or indirect form of
22 discipline, any dismissal, demotion, transfer, reassignment,
23 suspension, reprimand, admonishment, warning of possible dismissal,
24

1 reduction in force, reduction in rank, reduction in status, or
2 withholding of work; and

3 2. ~~"Probation" means that period of time, after an officer or~~
4 ~~employee is found to have violated the provisions of this section~~
5 ~~and corrective action is ordered, during which time that officer's~~
6 ~~or employee's performance and conduct is being monitored by the~~
7 ~~employing agency for further violations of the Oklahoma Personnel~~
8 ~~Act; and~~

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

12 F. ~~An appeal to the Oklahoma Merit Protection Commission must~~
13 ~~identify the person on whose behalf it is made. The person making~~
14 ~~the appeal must provide the Oklahoma Merit Protection Commission~~
15 ~~with the name, address, and telephone number of the person on whose~~
16 ~~behalf the appeal is made. The Oklahoma Merit Protection Commission~~
17 ~~personnel shall verify the authorization of such appeal by the~~
18 ~~person on whose behalf the appeal is made. The person claiming to~~
19 ~~be aggrieved has the responsibility to cooperate with the Commission~~
20 ~~in the investigation. The failure to cooperate in the investigation~~
21 ~~shall be grounds for dismissal of the appeal filed on behalf of the~~
22 ~~aggrieved party~~ Any state employee or former state employee who
23 believes that his or her rights have been violated under this
24 section may file an appeal with the Commission within fifteen (15)

1 days of the alleged violation. The Office of Management and
2 Enterprise Services shall promulgate rules for the implementation of
3 this section.

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

15 H. ~~If, after the hearing, it is determined that a violation has~~
16 ~~occurred, the Commission or administrative law judge shall order~~
17 ~~corrective action pursuant to Section 840-6.6 of this title. Such~~
18 ~~corrective action shall include, but not be limited to, suspension~~
19 ~~without pay, demotion or discharge. Any employee found to have~~
20 ~~violated this section of law, in addition to being suspended or~~
21 ~~demoted, shall be placed on probation for six (6) months. Such~~
22 ~~probation shall commence on the date of the final decision filed by~~
23 ~~the Commission. Any employee who is determined to have violated the~~
24 ~~Oklahoma Personnel Act, Section 840-1.1 et seq. of this title, while~~

1 ~~-serving said probation shall forfeit the position of the person for~~
2 ~~one (1) year. Any employee, supervisor or appointing authority of~~
3 ~~any state agency, whether subject to the provisions of the Merit~~
4 ~~System of Personnel Administration or in unclassified service, who~~
5 ~~knowingly and willfully violates the provisions of this section~~
6 ~~shall forfeit the position of the person and be ineligible for~~
7 ~~appointment to or employment in a position in state service for a~~
8 ~~period of at least one (1) year and no more than five (5) years.~~
9 ~~The decision of the Commission in such cases may be appealed by any~~
10 ~~party pursuant to Article II of the Administrative Procedures Act.~~

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

13 Section 840-2.9 A. No person in the state service, whether
14 subject to the provisions of the ~~Merit~~ Career Service System or in
15 ~~unclassified~~ executive service, shall be appointed to or demoted or
16 dismissed from any position in the state service, or in any way
17 favored or discriminated against with respect to employment in the
18 state service because of political or religious opinions or
19 affiliations, race, creed, gender, color or national origin or by
20 reason of any ~~physical handicap~~ disability so long as the ~~physical~~
21 ~~handicap~~ disability does not render the employee unable to do the
22 work for which he or she is employed. The hiring of special
23 disabled veterans pursuant to Sections 401 through 404 of Title 72

24

1 of the Oklahoma Statutes shall not constitute favoritism as herein
2 prohibited.

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

15 C. No person shall make any false statement, certificate,
16 score, rating or report with regard to any ~~test~~ assessment,
17 certification or appointment made under any provision of the
18 Oklahoma ~~Personnel~~ Career Service Act or in any manner commit any
19 fraud preventing the implementation of the provisions of the
20 Oklahoma ~~Personnel~~ Career Service Act and rules made pursuant
21 thereto.

22 D. No employee, ~~examiner~~ assessor or other person shall deny,
23 deceive or obstruct any person in his or her right to ~~examination~~
24 assessment, eligibility, certification or appointment or furnish to

1 any person any special or secret information for the purpose of
2 effecting the rights or prospects of any person with respect to
3 employment in the ~~classified~~ career service.

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

10 ~~F. Alleged violation of this section shall be reported to the~~
11 ~~Oklahoma Merit Protection Commission.~~

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

15 Section 840-2.13 A. The Director of the Office of Management
16 and Enterprise Services shall establish a Personnel Management
17 Information System to provide various management reports to
18 facilitate decision making within agencies, and to promote the
19 efficient utilization of personnel resources by providing a method
20 for tracking, monitoring and reporting positions and employee
21 transactions. The System shall include information on both the
22 ~~classified~~ career and ~~unclassified~~ executive services within the
23 executive branch of government, but shall not require institutions
24 within The Oklahoma State System of Higher Education to participate.

1 B. The Director of the Office of Management and Enterprise
2 Services shall promulgate rules regarding the Personnel Management
3 Information System as necessary to implement the provisions of this
4 section. Such rules shall establish a schedule to ensure the
5 orderly implementation of such Personnel Management Information
6 System.

7 C. The Personnel Management Information System shall be
8 implemented for all state agencies under the ~~Merit~~ Career Service
9 ~~System by July 1, 1993, and for all other executive branch state~~
10 ~~agencies by July 1, 1994.~~

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

14 E. Appointing authorities in the legislative or judicial
15 branches of state government may participate in the Personnel
16 Management Information System at their option.

17 SECTION 15. AMENDATORY 74 O.S. 2011, Section 840-2.14,
18 as amended by Section 875, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2013, Section 840-2.14), is amended to read as follows:

20 Section 840-2.14 A. The intent of the Legislature is to
21 increase individual agency skill and accountability in managing the
22 costs associated with personnel and in applying controls that will
23 enhance the ability of the State of Oklahoma to manage the overall
24

1 costs of human resources as efficiently as possible, while
2 continuing to maintain fairness to employees.

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

13 ~~C. All agencies, boards, and commissions shall report to the~~
14 ~~Office of Management and Enterprise Services on a semiannual basis~~
15 ~~all transactions in both the classified and unclassified service~~
16 ~~involving the establishment of new positions that have not been~~
17 ~~authorized specifically by legislative action. Agencies shall~~
18 ~~report the transactions for the six-month period ending June 30 or~~
19 ~~December 31. The Office of Management and Enterprise Services shall~~
20 ~~forward the semiannual reports to the Governor, President Pro~~
21 ~~Tempore of the Senate, and Speaker of the House of Representatives,~~
22 ~~accompanied by an analysis of agency decisions concerning such~~
23 produce an electronic report on an annual basis of all transactions

24

1 in the career service and executive service involving the
2 establishment of new positions.

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

17 E. The Office of Management and Enterprise Services shall
18 establish due dates and specify the format for electronic reports
19 required by this section. Agencies that do not respond by the due
20 dates shall be identified in a special section of the ~~semiannual~~
21 annual analysis reports forwarded to the Governor, President Pro
22 Tempore of the Senate ~~and,~~ the Minority Leader of the Senate,
23 Speaker of the House of Representatives and the Minority Leader of
24 the House of Representatives.

1 F. The provisions of this section shall not be construed to
2 suspend the responsibility of any agency to ensure that the duties
3 and responsibilities assigned to an employee are consistent with the
4 current classification of the employee.

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

7 Section 840-2.16 Except as otherwise provided by law, any
8 ~~classified~~ career, ~~unclassified~~ executive or exempt employee of the
9 state, excluding members of boards and commissions, institutions
10 under the administrative authority of the Oklahoma State Regents for
11 Higher Education, employees of public school districts and elected
12 officials, on July 1 of each year, earning less than the amount
13 established in the Federal Poverty Guidelines for a three-person
14 household, issued each year in the Federal Register by the United
15 States Department of Health and Human Services, shall receive the
16 necessary grade or salary adjustment to provide for a minimum
17 annualized salary equal to the amount established in the Federal
18 Poverty Guidelines for a three-person household, issued each year in
19 the Federal Register by the United States Department of Health and
20 Human Services. Any ~~classified~~ career, ~~unclassified~~ executive or
21 exempt employee of the state, excluding members of boards and
22 commissions, institutions under the administrative authority of the
23 Oklahoma State Regents for Higher Education, employees of public
24 school districts and elected officials, employed after July 1, 2007,

1 shall receive a minimum annualized salary equal to the amount
2 established in the Federal Poverty Guidelines for a three-person
3 household, issued each year in the Federal Register by the United
4 States Department of Health and Human Services. This section shall
5 not apply to those persons employed pursuant to ~~paragraph 8 and~~
6 ~~paragraph 12 of subsection A of~~ Section 840-5.5 and Section 2241 of
7 this title or those persons employed pursuant to Section 1.6a of
8 Title 53 of the Oklahoma Statutes.

9 SECTION 17. AMENDATORY 74 O.S. 2011, Section 840-2.19,
10 as amended by Section 878, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
11 2013, Section 840-2.19), is amended to read as follows:

12 Section 840-2.19 A. The Director of the Office of Management
13 and Enterprise Services shall not approve any payroll claim for
14 payment for any agency unless ~~said~~ the claim contains or is
15 accompanied by the certification by the administrative head of ~~said~~
16 the agency or an authorized employee of ~~said~~ the agency that the
17 persons named in ~~said~~ the claim have been appointed and employed in
18 accordance with the provisions of the Oklahoma ~~Personnel~~ Career
19 Service Act and the rules and orders promulgated pursuant to the
20 provisions of the Oklahoma ~~Personnel~~ Career Service Act. For
21 purposes of this section, "payroll claim" shall also include
22 longevity payments made pursuant to Section 840-2.18 of this title.

23 B. If, as a result of a payroll audit, the Office of Management
24 and Enterprise Services finds that an agency has made payments of

1 salaries or wages contrary to the provisions of the Oklahoma
2 ~~Personnel~~ Career Service Act and the rules promulgated pursuant to
3 the provisions of the Oklahoma ~~Personnel~~ Career Service Act:

4 1. Audit findings shall be promptly transmitted to the
5 appointing authority of the agency certifying the payroll claim or
6 claims involved;

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

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

17 4. If an agency neglects or refuses to seek repayment after a
18 determination that an error in payroll amount or amounts has been
19 made, or to properly adjust a then current salary or wage, the
20 Director of the Office of Management and Enterprise Services shall
21 note an unresolved audit exception stating the agency involved and
22 the person to whom ~~said~~ the exception refers;

23 5. Upon receipt of notification that a procedure to initiate
24 repayment has been instituted by the certifying agency or that a

1 protest has been filed with the ~~Oklahoma Merit Protection Commission~~
2 Office of Management and Enterprise Services, ~~said~~ the notice shall
3 be withdrawn or waived by the Director of the Office of Management
4 and Enterprise Services. Implementation of procedures provided in
5 this section shall not operate to deny or delay payment of proper
6 salaries or wages to any employee of this state;

7 6. The provisions of this section regarding collections of any
8 overpayment of salaries or wages by any agency to any state employee
9 or officer shall not include any such overpayment made prior to July
10 1, 1983;

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

16 8. If an agency discovers overpayment or underpayment errors
17 through an internal audit, the agency shall recover overpayments
18 from the employee or disburse underpayment amounts in accordance
19 with this section. Prior to initiation of recovery of overpayments
20 from an employee, the agency shall provide the employee with
21 adequate notice and an opportunity to respond.

22 C. The Director of the Office of Management and Enterprise
23 Services shall not approve any payroll claim for payment for any
24 agency for which a notification of an unresolved audit exception

1 pursuant to this section has been filed, unless the person named in
2 the audit exception has been removed from the payroll by the
3 certifying agency, the overpayment has been converted by the agency,
4 or the exception has been withdrawn or waived in writing by the
5 Office of Management and Enterprise Services.

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

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

- 13 a. the amounts paid in error,
- 14 b. the dates of ~~said~~ the payments,
- 15 c. the options available for repayment, and
- 16 d. the right of the payee to protest the findings.

17 ~~Said~~ The notice shall also provide space for the payee to
18 indicate an election of a repayment option or to protest the
19 findings. Said election shall be required within thirty (30) days
20 after the notification;

21 2. If the payee is, at the time of ~~said~~ the notification, an
22 officer or employee of the agency seeking repayment, options
23 available for repayment shall be by:

- 24 a. lump-sum cash repayment,

1 b. reduction of the corrected current salary or
2 miscellaneous payroll deduction in a lump sum or in
3 installments over a term not to exceed the term in
4 which the erroneous payments were made,

5 c. reduction in accrued annual leave by an amount of time
6 at the then current correct salary level equal in
7 value to the total of the amount or amounts to be
8 repaid, or

9 d. any combination thereof;

10 3. If the payee is, at the time of ~~said~~ the notification, an
11 officer or employee of an agency of the state other than the agency
12 seeking repayment, the options provided by paragraph 2 of this
13 subsection may be exercised by the payee with the approval of the
14 then current employing agency. Payment of amounts deducted or
15 charged against annual leave shall be paid to the agency seeking
16 repayment by an appropriate miscellaneous claim for interagency
17 payment. If a payroll deduction is elected pursuant to the
18 provisions of this paragraph and employment is subsequently
19 terminated, any balance remaining shall be deducted from any final
20 payment otherwise due to the employee;

21 4. If a payee who is, at the time of ~~said~~ the notification, a
22 ~~permanent classified~~ career service officer or employee of any
23 agency of this state protests the determination of the error or the
24 amount of ~~said~~ the determination, the agency seeking repayment shall

1 present, within five (5) days of the return of ~~said~~ the protest, the
2 facts in writing, the notice, and the protest of the payee, to the
3 ~~Oklahoma Merit Protection Commission~~ Office of Management and
4 Enterprise Services. The ~~Oklahoma Merit Protection Commission~~
5 Office of Management and Enterprise Services shall treat any such
6 protest as a complaint pursuant to Section 840-1.9 of this title.
7 The ~~Commission and Executive Director, after investigation and~~
8 ~~hearing,~~ Office of Management and Enterprise Services shall make a
9 determination which shall be binding on the agency. The salary or
10 wages of any payee exercising the right to the protest shall not be
11 suspended or reduced until a determination has been issued by the
12 ~~Oklahoma Merit Protection Commission and Executive Director~~ Office
13 of Management and Enterprise Services;

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

- 17 a. by lump-sum cash repayment, or
- 18 b. in installments over a period not to exceed twelve
19 (12) months;

20 6. If the payee is no longer an employee of the state, and does
21 not respond or cannot be located within ten (10) days after mailing
22 of the determination of error, or refuses repayment, the agency
23 seeking repayment shall present the facts in writing to the Attorney
24 General and shall send a copy to the Office of Management and

1 Enterprise Services. The Attorney General shall determine what
2 action may be taken to recover ~~said~~ the amount; and

3 7. Repayments other than by reduction in present salary or
4 reduction in accrued annual leave for a payee currently employed by
5 the agency seeking repayment shall be deposited in the General
6 Revenue Fund unless the fund to which the amount in error was
7 originally charged can be identified and was other than a General
8 Revenue Fund appropriation. ~~Said~~ The deposits shall be treated as
9 nonrevenue receipts.

10 SECTION 18. AMENDATORY 74 O.S. 2011, Section 840-2.21,
11 as amended by Section 881, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
12 2013, Section 840-2.21), is amended to read as follows:

13 Section 840-2.21 A. If a state employee, whether in the
14 ~~classified career service~~ or ~~unclassified executive~~ service, is
15 absent because of an illness or injury arising out of and sustained
16 in the course of his or her employment with the state, and for which
17 workers' compensation benefits have been filed, the employing agency
18 shall place the employee on leave without pay if the employee so
19 requests; provided, leave without pay pursuant to this section shall
20 not for any purpose be considered a break in service.

21 B. An employee who sustains an illness or injury arising out of
22 and sustained in the course of employment with the State of Oklahoma
23 shall not be required to use either accumulated sick or annual leave
24

1 during such period prior to being placed on leave without pay
2 pursuant to this section.

3 C. An employee placed on leave without pay pursuant to the
4 provisions of this section shall continue receiving basic plan
5 insurance coverage as defined in Section 1363 of this title and
6 dependent insurance benefit allowance pursuant to paragraph 2 of
7 subsection C of Section 1370 of this title paid by the agency during
8 the leave without pay.

9 D. An employee on leave without pay pursuant to the provisions
10 of this section shall have the right to be returned to his or her
11 original position in accordance with rules promulgated by the Office
12 of Management and Enterprise Services. If it is found necessary for
13 the good of the state to fill the position during the period the
14 employee is on leave without pay the employee filling the position
15 shall vacate the position upon the return of the employee on leave
16 without pay, subject to layoff, transfer or demotion rights earned
17 under the Oklahoma ~~Personnel~~ Career Service Act and rules of the
18 Office of Management and Enterprise Services. The right to return
19 to the original position shall expire one (1) year from the date of
20 the start of leave without pay. ~~The~~ Notwithstanding the provisions
21 of Section 1 et seq. of Title 85A of the Oklahoma Statutes, the
22 employee may be separated in accordance with the Oklahoma ~~Personnel~~
23 Career Service Act and Office of Management and Enterprise Services
24 Rules if the employee has not returned to the original position of

1 the employee or some other position within the agency within one (1)
2 year from the date of the start of leave without pay.

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

7 F. If the employee becomes medically able with reasonable
8 accommodation to perform the duties of his or her original position,
9 the employee shall be returned to such position. If the employee is
10 unable to perform the duties of the original position with
11 reasonable accommodation, but is medically able with reasonable
12 accommodation to perform the duties of any other position within the
13 agency for which the employee is qualified, and appointment to such
14 other position does not constitute a promotion, the employee shall
15 have first preference for any such position which becomes vacant
16 within the agency, notwithstanding any other preference provisions
17 of the Oklahoma ~~Personnel~~ Career Service Act or of other laws of the
18 State of Oklahoma. "First preference" means that an agency must
19 consider an employee with an active workers' compensation claim for
20 an open position. The employee must notify the agency in writing of
21 his or her interest in being notified of open positions that would
22 not be a promotion. The employee must be able to physically perform
23 the duties of the job with or without a reasonable accommodation.
24 First preference is not a mandate to hire the employee. An employee

1 accepting another position pursuant to this subsection shall not
2 forfeit his or her right to be returned to the original position
3 within twelve (12) months after the start of leave without pay
4 pursuant to the provisions of subsection D of this section.

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

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

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

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

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

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

24

1 B. The leave authorized by this section shall not be used for
2 lobbying activities which include the lobbying of legislative or
3 executive branch elected officials within state-owned or leased
4 buildings.

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

7 Section 840-2.27B As used in Sections 840-2.27B through ~~840-~~
8 ~~2.27G~~ 840-2.27I of this title:

9 1. "Affected job family levels" means those containing affected
10 positions;

11 2. "Affected employees" means ~~classified~~ career service
12 employees in affected positions;

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

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

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

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

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;

23
24

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.

23
24

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~~ calendar days
7 of 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~~ calendar 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
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~~ the Order, under
12 the ~~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 50 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 50 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~~ assessed 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~~ such veterans may elect instead
23 to be considered for employment according to the procedures set out
24 in 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 such persons may elect instead to be considered for employment
5 according to the procedures set out in subsections A through ~~E~~ D of
6 this 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~~ The standards and procedures shall be developed by the Director
11 of the Office of Management and Enterprise Services with the
12 assistance of the Office of ~~Handicapped~~ Disability Concerns, and the
13 State 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.~~

24

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~~ notify
18 the appointing authority ~~the names~~ of the ~~ten~~ persons receiving the
19 highest ~~grade~~ grades or ~~score~~ scores in said ~~examinations~~ plus all
20 ~~eligible applicants whose grade or score is tied with the lowest~~
21 ~~ranking of those so eligible~~ the assessments. The Office of
22 Management and Enterprise Services shall promulgate rules for the
23 implementation of this section.

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

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

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

13 C. Agencies may fill positions requiring professional practice
14 licensure and hard-to-fill positions pursuant to authorization by
15 the Director without regard to subsections A and B of this section.
16 The Director shall promulgate rules to authorize agencies to fill
17 positions directly, pursuant to this subsection. Such rules shall
18 include criteria for identifying professional practice licensure
19 positions and hard-to-fill positions which shall not require
20 establishment of an employment list of eligible persons or the
21 application of veterans preference. ~~The Director shall monitor~~
22 ~~appointments made by agencies pursuant to this subsection and shall~~
23 ~~establish recordkeeping and reporting procedures and the conditions~~
24 ~~under which the Director may withdraw authorization for agencies to~~

1 ~~directly hire persons into hard to fill positions. Nothing in this~~
2 ~~subsection shall be construed to waive any requirement for any job~~
3 ~~or position established by statute or the Director.~~

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

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

1 F. In working with appointing authorities in determining
2 minimum qualifications for a position, the Director of the Office of
3 Management and Enterprise Services shall require an appointing
4 authority to justify in writing any reasons for excluding from
5 consideration relevant public or private sector experience
6 applicable to the position.

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

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

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

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

24

1 ~~3. Ten points shall be added to the final grade of any veteran~~
2 ~~who has passed the examination and has submitted proof of having a~~
3 ~~service-connected disability as certified by the Department of~~
4 ~~Veterans Affairs or agency of the Defense Department within six (6)~~
5 ~~months of date of application. Such veterans' names shall be placed~~
6 ~~at the top of the register in accordance with their numerical rating~~
7 ~~if in receipt of benefits payable at the rate of thirty percent~~
8 ~~(30%) or more and such veterans shall not be denied employment and~~
9 ~~passed over for other veterans or nonveterans, without showing~~
10 ~~cause. Acceptable cause shall include a reasonable expectation of~~
11 ~~the inability of the preferenced applicant to satisfactorily perform~~
12 ~~at the required level of the position and shall be reviewed in each~~
13 ~~instance by the Director of the Office of Management and Enterprise~~
14 ~~Services. If the Director finds that acceptable cause for the~~
15 ~~denial of employment to the preferenced applicant does not exist,~~
16 ~~the appointing authority shall be required to hire the preferenced~~
17 ~~applicant. The position shall not be permanently filled until the~~
18 ~~Director has issued his findings~~ There is hereby created the Office
19 of Veterans Placement within the Office of Management and Enterprise
20 Services. The Office of Management and Enterprise Services shall
21 create and promulgate rules for the Office of Veterans Placement for
22 the purpose of attracting, recruiting, hiring, and retaining
23 qualified veterans into the career service.
24

1 B. ~~War veterans, as defined by Section 67.13a of Title 72 of~~
2 ~~the Oklahoma Statutes, who have been awarded the Purple Heart or~~
3 ~~have a service-incurred disability rated by the Department of~~
4 ~~Veterans Affairs or a branch of the Armed Forces of the United~~
5 ~~States and who have been a resident of Oklahoma for at least one (1)~~
6 ~~year prior to the date of the examination, shall be authorized to~~
7 ~~open any closed register established by the Merit System of~~
8 ~~Personnel Administration~~ Services of the Office of Veterans
9 Placement shall include employment counseling, assistance in
10 identifying transferable military skills, qualifications and career
11 assessment, assistance in drafting competitive resumes, instruction
12 in developing comprehensive job search strategies, and job placement
13 assistance.

14 C. ~~Subsection A of this~~ Veterans who utilize the Office of
15 Veterans Placement shall be guaranteed an interview for qualifying
16 career service positions.

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

22 ~~D.~~ ~~In addition to the points added to the final grade of any~~
23 ~~eligible veteran pursuant to subsection A of this section, any~~
24 ~~veteran who meets the basic qualifications for a position shall be~~

1 ~~interviewed in person in order to allow the veteran to demonstrate~~
2 ~~any transferable skills acquired in military service.~~

3 SECTION 40. AMENDATORY 74 O.S. 2011, Section 840-5.1, as
4 amended by Section 912, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
5 2013, Section 840-5.1), is amended to read as follows:

6 Section 840-5.1 Unless otherwise provided, offices and
7 positions in the ~~unclassified~~ executive service are in no way
8 subject to any of the provisions of this act or of the rules and
9 regulations promulgated hereunder except leave regulations.
10 Provided, offices and positions of the State Senate and House of
11 Representatives shall not be subject to regulations of the Office of
12 Management and Enterprise Services on involuntary leave without pay
13 or furlough but shall be subject to any involuntary leave without
14 pay or furlough plan adopted by the President Pro Tempore of the
15 Senate or the Speaker of the House of Representatives. No person
16 chosen by election or appointment to fill an elective office shall
17 be subject to any leave plan or regulation ~~or~~ nor shall such person
18 be eligible for accrual of any leave benefits.

19 SECTION 41. AMENDATORY 74 O.S. 2011, Section 840-5.1A,
20 as amended by Section 913, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
21 2013, Section 840-5.1A), is amended to read as follows:

22 Section 840-5.1A A. Within state government, persons appointed
23 to a position in the ~~unclassified~~ executive service after June 30,
24 1996, shall serve at the pleasure of the appointing authority.

1 Appointing authorities shall not convey any right or expectation of
2 continued employment to such ~~unclassified~~ executive service
3 employees. The appointing authority may separate such ~~unclassified~~
4 executive service employees at any time with or without cause. No
5 provision of the Oklahoma ~~Personnel~~ Career Service Act shall be
6 construed as granting any property interest in employment to any
7 ~~unclassified~~ executive service employee.

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

11 C. This section shall not apply to persons in positions in
12 institutions under the jurisdiction of the Oklahoma State Regents
13 for Higher Education or subject to the University Hospitals
14 Authority Model Personnel System created pursuant to Section 3211 of
15 Title 63 of the Oklahoma Statutes.

16 D. Agencies may provide severance benefits pursuant to Section
17 840-2.27D of this title to ~~regular-unclassified~~ executive service
18 employees with one (1) year or more continuous state service who are
19 separated from the state service for budgetary reasons. A plan
20 providing for such benefits shall be submitted to the Director of
21 the Office of Management and Enterprise Services who shall reject
22 any plan that does not:

23 1. Demonstrate that funds are available to cover projected
24 costs;

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

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

6 SECTION 42. AMENDATORY 74 O.S. 2011, Section 840-5.2A,
7 as amended by Section 914, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
8 2013, Section 840-5.2A), is amended to read as follows:

9 Section 840-5.2A All persons employed by the Ethics Commission
10 prior to March 18, 1998, shall be in and shall have been in such
11 status in the ~~classified or unclassified~~ career and executive
12 service as shown on their individual records on file in the Office
13 of Management and Enterprise Services. The employment records of
14 such persons on file in the Office of Management and Enterprise
15 Services shall be controlling as to the status of such persons and
16 the positions they occupy or occupied.

17 SECTION 43. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
18 last amended by Section 30, Chapter 214, O.S.L. 2013 (74 O.S. Supp.
19 2013, Section 840-5.5), is amended to read as follows:

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

23 1. ~~Persons chosen by popular vote or appointment to fill an~~
24 ~~elective office, and their employees, except the employees of the~~

1 ~~Corporation Commission, the State Department of Education and the~~
2 ~~Department of Labor;~~

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

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

7 ~~4. Persons employed with one-time, limited duration, federal or~~
8 ~~other grant funding that is not continuing or indefinitely~~
9 ~~renewable. The length of the unclassified employment shall not~~
10 ~~exceed the period of time for which that specific federal funding is~~
11 ~~provided;~~

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

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

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

1 ~~8. Temporary employees employed to work less than one thousand~~
2 ~~(1,000) hours in any twelve-month period, and seasonal employees~~
3 ~~employed by the Oklahoma Tourism and Recreation Department pursuant~~
4 ~~to Section 2241 of this title who work less than one thousand six~~
5 ~~hundred (1,600) hours in any twelve-month period;~~

6 ~~9. Department of Public Safety employees occupying the~~
7 ~~following offices or positions:~~

- 8 ~~a. administrative aides to the Commissioner,~~
- 9 ~~b. executive secretaries to the Commissioner,~~
- 10 ~~c. the Governor's representative of the Oklahoma Highway~~
11 ~~Safety Office who shall be appointed by the Governor,~~
- 12 ~~d. Highway Patrol Colonel,~~
- 13 ~~e. Highway Patrol Lieutenant Colonel,~~
- 14 ~~f. Director of Finance,~~
- 15 ~~g. noncommissioned pilots,~~
- 16 ~~h. Information Systems Administrator,~~
- 17 ~~i. Law Enforcement Telecommunications System Specialist,~~
- 18 ~~j. Director of Driver Compliance,~~
- 19 ~~k. Director of Transportation Division,~~
- 20 ~~l. Director of the Oklahoma Highway Safety Office,~~
- 21 ~~m. Civil Rights Administrator,~~
- 22 ~~n. Budget Analyst,~~
- 23 ~~o. Comptroller,~~
- 24 ~~p. Chaplain,~~

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

17 ~~10. Professional trainees only during the prescribed length of~~
18 ~~their course of training or extension study;~~

19 ~~11. Students who are employed on a part-time basis, which shall~~
20 ~~be seventy-five percent (75%) of a normal forty-hour work week or~~
21 ~~thirty (30) hours per week, or less, or on a full-time basis if the~~
22 ~~employment is pursuant to a cooperative education program such as~~
23 ~~that provided for under Title I IV-D of the Higher Education Act of~~
24

1 ~~1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly~~
2 ~~enrolled in:~~

3 a. ~~an institution of higher learning within The Oklahoma~~
4 ~~State System of Higher Education,~~

5 b. ~~an institution of higher learning qualified to become~~
6 ~~coordinated with The Oklahoma State System of Higher~~
7 ~~Education. For purposes of this section, a student~~
8 ~~shall be considered a regularly enrolled student if~~
9 ~~the student is enrolled in a minimum of five (5) hours~~
10 ~~of accredited graduate courses or a minimum of ten~~
11 ~~(10) hours of accredited undergraduate courses,~~
12 ~~provided, however, the student shall only be required~~
13 ~~to be enrolled in a minimum of six (6) hours of~~
14 ~~accredited undergraduate courses during the summer, or~~

15 c. ~~high school students regularly enrolled in a high~~
16 ~~school in Oklahoma and regularly attending classes~~
17 ~~during such time of enrollment;~~

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

21 ~~13. Service substitute attendants who are needed to replace~~
22 ~~museum and site attendants who are unavoidably absent. Service~~
23 ~~substitutes may work as part-time or full-time relief for absentees~~
24 ~~for a period of not more than four (4) weeks per year in the~~

1 ~~Oklahoma Historical Society sites and museums; such substitutes will~~
2 ~~not count towards the agency's full-time equivalent (FTE) employee~~
3 ~~limit;~~

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

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

- 8 ~~a. Administrative aides, and executive secretaries to the~~
9 ~~Commissioners,~~
- 10 ~~b. Directors of all the divisions, personnel managers and~~
11 ~~comptrollers,~~
- 12 ~~c. General Counsel,~~
- 13 ~~d. Public Utility Division Chief Engineer,~~
- 14 ~~e. Public Utility Division Chief Accountant,~~
- 15 ~~f. Public Utility Division Chief Economist,~~
- 16 ~~g. Public Utility Division Deputy Director,~~
- 17 ~~h. Secretary of the Commission,~~
- 18 ~~i. Deputy Conservation Director,~~
- 19 ~~j. Manager of Pollution Abatement,~~
- 20 ~~k. Manager of Field Operations,~~
- 21 ~~l. Manager of Technical Services,~~
- 22 ~~m. Public Utility Division Chief of Telecommunications,~~
- 23 ~~n. Director of Information Services,~~

24

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

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

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

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

- ~~a. State Comptroller,~~
- ~~b. Administrative Officers,~~

- 1 e. ~~Alternator Claims Auditor,~~
- 2 d. ~~Employees hired to fulfill state compliance agency~~
- 3 ~~requirements under Model Tribal Gaming Compacts,~~
- 4 e. ~~Employees of the Budget Division,~~
- 5 f. ~~Employees of the Fiscal and Research Division,~~
- 6 g. ~~Employees hired to work on the CORE Systems Project,~~
- 7 ~~and~~
- 8 h. ~~The following employees of the Information Services~~
- 9 ~~Division:~~
- 10 ~~(1) Information Services Division Manager,~~
- 11 ~~(2) Network Manager,~~
- 12 ~~(3) Network Technicians,~~
- 13 ~~(4) Security Manager,~~
- 14 ~~(5) Contracts/Purchasing Manager,~~
- 15 ~~(6) Operating and Applications Manager,~~
- 16 ~~(7) Project Manager,~~
- 17 ~~(8) Help Desk Manager,~~
- 18 ~~(9) Help Desk Technicians,~~
- 19 ~~(10) Quality Assurance Manager,~~
- 20 ~~(11) ISD Analysts,~~
- 21 ~~(12) CORE Manager,~~
- 22 ~~(13) Enterprise System/Database Software Manager,~~
- 23 ~~(14) Data Center Operations and Production Manager,~~
- 24 ~~(15) Voice Communications Manager,~~

- 1 ~~(16) Applications Development Manager,~~
- 2 ~~(17) Projects Manager,~~
- 3 ~~(18) PC's Manager,~~
- 4 ~~(19) Servers Manager,~~
- 5 ~~(20) Portal Manager,~~
- 6 ~~(21) Procurement Specialists,~~
- 7 ~~(22) Security Technicians,~~
- 8 ~~(23) Enterprise Communications and Network~~
- 9 ~~Administrator,~~
- 10 ~~(24) Server Support Specialists,~~
- 11 ~~(25) Senior Server Support Specialists,~~
- 12 ~~(26) Systems Support Specialists,~~
- 13 ~~(27) Senior Systems Support Specialists,~~
- 14 ~~(28) Chief Technology Officer,~~
- 15 ~~(29) Facility Manager,~~
- 16 ~~(30) Application Development Specialists,~~
- 17 ~~(31) Senior Application Development Specialists,~~
- 18 ~~(32) Workstation Specialists,~~
- 19 ~~(33) Senior Workstation Specialists,~~
- 20 ~~(34) Cabling Infrastructure Administration,~~
- 21 ~~(35) Planning Specialists,~~
- 22 ~~(36) Senior Planning Specialists,~~
- 23 ~~(37) Network Specialists,~~
- 24 ~~(38) Senior Network Specialists,~~

1 ~~(39) Voice Communication Specialists, and~~

2 ~~(40) Senior Voice Communication Specialists;~~

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

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

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

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

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

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

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

21 ~~23. Office of Management and Enterprise Services employees~~
22 ~~occupying the following positions:~~

23 ~~a. the Carl Albert Internship Program Coordinator,~~

24 ~~b. one Administrative Assistant,~~

- ~~e. one Workforce Planning Manager,~~
- ~~d. Assistant Administrators,~~
- ~~e. one Associate Administrator, and~~
- ~~f. Division Directors;~~

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

- ~~a. two Deputy Commissioners,~~
- ~~b. two Executive Secretaries to the Commissioner,~~
- ~~c. Chief of Staff,~~
- ~~d. two Administrative Assistants,~~
- ~~e. Information Systems Administrator,~~
- ~~f. three Safety and Health Directors,~~
- ~~g. Research Director,~~
- ~~h. Employment Standards Director,~~
- ~~i. Asbestos Director,~~
- ~~j. General Counsel,~~
- ~~k. one Legal Secretary,~~
- ~~l. one Docket Clerk, and~~
- ~~m. two Information Systems Application Specialists;~~

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

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

- ~~a. Associate Director,~~
- ~~b. Secretary to the Associate Director, and~~

1 e. ~~Assistant to the Executive Director;~~

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

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

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

10 ~~29. Alcoholic Beverage Laws Enforcement Commission employees~~
11 ~~occupying the following positions:~~

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

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

19 ~~30. The Oklahoma State Bureau of Investigation employees~~
20 ~~occupying the following positions:~~

21 a. ~~five assistant directors,~~

22 b. ~~six special investigators,~~

23 c. ~~one information representative,~~

24 d. ~~one federally funded physical evidence technician,~~

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

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

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

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

- 1 a. ~~Director of the Investments Division,~~
- 2 b. ~~Assistant Director of the Investments Division,~~
- 3 c. ~~one Administrative Assistant,~~
- 4 d. ~~one Audit Tech position,~~
- 5 e. ~~one Auditor I position,~~
- 6 f. ~~two Accounting Tech I positions,~~
- 7 g. ~~two Administrative Assistant I positions,~~
- 8 h. ~~two Imaging Specialist positions,~~
- 9 i. ~~one Information Systems Specialist position,~~
- 10 j. ~~Director of Communications,~~
- 11 k. ~~Director of Royalty Compliance,~~
- 12 l. ~~Director of Mineral Management,~~
- 13 m. ~~Director of Accounting,~~
- 14 n. ~~Chief of Staff,~~
- 15 o. ~~First Assistant Secretary,~~
- 16 p. ~~Director of Real Estate Management,~~
- 17 q. ~~one executive secretary,~~
- 18 r. ~~one legal secretary, and~~
- 19 s. ~~one legal assistant;~~

20 ~~33. Within the Oklahoma State Bureau of Narcotics and Dangerous~~
21 ~~Drugs Control Commission, the following positions:~~

- 22 a. ~~six Narcotics Agent positions and three Typist~~
23 ~~Clerk/Spanish transcriptionists, including a Typist~~
24 ~~Clerk Supervisor/Spanish transcriptionist, provided,~~

1 ~~authorization for such positions shall be terminated~~
2 ~~if the federal funding for the positions is~~
3 ~~discontinued,~~

4 b. ~~one executive secretary in addition to the one~~
5 ~~authorized pursuant to paragraph 2 of this subsection,~~

6 c. ~~one fiscal officer,~~

7 d. ~~one full-time Programmer, and~~

8 e. ~~one full-time Network Engineer;~~

9 ~~34. The Military Department of the State of Oklahoma is~~
10 ~~authorized such unclassified employees within full-time employee~~
11 ~~limitations to work in any of the Department of Defense directed~~
12 ~~youth programs, the State of Oklahoma Juvenile Justice youth~~
13 ~~programs, those persons reimbursed from Armory Board or Billeting~~
14 ~~Fund accounts, and skilled trade positions;~~

15 ~~35. Within the Oklahoma Commission on Children and Youth the~~
16 ~~following unclassified positions:~~

17 a. ~~one Oversight Specialist and one Community Development~~
18 ~~Planner,~~

19 b. ~~one State Plan Grant Coordinator, provided~~
20 ~~authorization for the position shall be terminated~~
21 ~~when federal support for the position by the United~~
22 ~~States Department of Education Early Intervention~~
23 ~~Program is discontinued,~~

1 ~~e. one executive secretary in addition to the one~~
2 ~~authorized pursuant to paragraph 2 of this subsection,~~
3 ~~and~~

4 ~~d. one Programs Manager;~~

5 ~~36. The following positions and employees of the Office of~~
6 ~~Management and Enterprise Services:~~

7 ~~a. one Executive Secretary in addition to the Executive~~
8 ~~Secretary authorized by paragraph 2 of this~~
9 ~~subsection,~~

10 ~~b. the Director of Central Purchasing,~~

11 ~~c. one Alternate Fuels Administrator,~~

12 ~~d. one Director of Special Projects,~~

13 ~~e. three postauditors,~~

14 ~~f. four high-technology contracting officers,~~

15 ~~g. one Executive Assistant to the Purchasing Director,~~

16 ~~h. four Contracts Managers,~~

17 ~~i. one Associate Director,~~

18 ~~j. one specialized HiTech/Food Contracting Officer,~~

19 ~~k. one State Use Contracting Officer,~~

20 ~~l. one Property Distribution Administrator,~~

21 ~~m. three licensed architects assigned to the Construction~~
22 ~~and Properties Division,~~

23 ~~n. three licensed engineers assigned to the Construction~~
24 ~~and Properties Division,~~

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

~~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;~~

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

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

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

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

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

~~employees to any benefits received by full-time employees,~~

~~d. one Information Technology Specialist,~~

~~e. one Director of Administrative Services,~~

~~f. one Water Quality Consumer Complaint Coordinator,~~

~~g. one hydrologist position,~~

~~h. Public Information Office Director,~~

~~i. one Information Technology Technician,~~

~~j. Legal Services Director,~~

~~k. Animal Industry Services Director,~~

~~l. Agricultural Environmental Management Services Director,~~

~~m. Forestry Services Director,~~

~~n. Plant Industry and Consumer Services Director,~~

~~o. one Grants Administrator position,~~

~~p. Director of Laboratory Services,~~

~~q. Chief of Communications,~~

~~r. Public Information Manager,~~

~~s. Inventory/Supply Officer,~~

~~t. five Agriculture Field Inspector positions assigned~~

~~the responsibility for conducting inspections and~~

~~audits of agricultural grain storage warehouses. All~~

~~other Agriculture Field Inspector positions and~~

~~employees of the Oklahoma Department of Agriculture,~~

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

7 ~~u. Rural Fire Coordinator,~~

8 ~~v. one Agricultural Marketing Coordinator I,~~

9 ~~w. Food Safety Division Director,~~

10 ~~x. two Environmental Program Specialists,~~

11 ~~y. two Scale Technicians,~~

12 ~~z. two Plant Protection Specialists, and~~

13 ~~aa. Chief Agent;~~

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

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

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

20 ~~a. Educational Program Director, and~~

21 ~~b. Data Processing Manager;~~

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

13 ~~2. Certified public accountants;~~

14 ~~3. Licensed attorneys;~~

15 ~~4. Licensed veterinarians; and~~

16 ~~5. Licensed pharmacists.~~

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

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

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

- 1 1. Any officer or employee appointed by the Governor and all
2 positions in the Governor's and Lieutenant Governor's offices;
- 3 2. Any person chosen by popular vote or appointed to fill an
4 executive branch elective office in the executive branch of
5 government;
- 6 3. All judges, elected or appointed, and their employees;
- 7 4. All officers and employees of The Oklahoma State System of
8 Higher Education;
- 9 5. Any legislators, employees of the Legislature, and the
10 Legislative Service Bureau;
- 11 6. Members of boards and commissions and one principal
12 assistant or their equivalent authority;
- 13 7. Agency directors or their equivalent authority in each state
14 agency;
- 15 8. Deputy directors or their equivalent authority in each state
16 agency;
- 17 9. Any division director or equivalent authority with
18 statewide, regional or district responsibility for operational
19 administration, policy development or implementation as defined by
20 the mission of that agency, or the primary legislative function in
21 each board or commission;
- 22 10. Executive assistants directly reporting to executive
23 directors or their deputies;

24

1 11. Licensed medical physicians, licensed osteopathic
2 physicians, licensed dentists, licensed veterinarians, licensed
3 pharmacists, physician's assistants, advanced nurse practitioners,
4 physical therapists, occupational therapists, speech pathologists
5 and licensed mental health professionals, actively utilizing their
6 licenses in their primary job functions, and registered nurses
7 except for registered nurses in regulatory, oversight, eligibility
8 or federally funded positions;

9 12. Licensed attorneys engaged in the practice of law and
10 representing the state in such capacity;

11 13. Certified public accountants and licensed architects
12 utilizing their certification in their primary job duty;

13 14. Head of Public Information Division;

14 15. Directors and deputy directors of state-operated
15 correctional facilities, or mental health or developmental centers,
16 and veterans, juvenile, and state-operated facilities that provide
17 twenty-four-hour direct care; and

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

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

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

1 D. An employee in the executive service is an employee at will
2 and serves at the pleasure of the employee's appointing authority.

3 E. Employees shall have a combined twelve (12) months of
4 executive branch state service upon conversion to the career
5 service, or they shall serve the remainder of the time period as a
6 probationary employee.

7 F. The Administrator of the Human Capital Management Division
8 of the Office of Management and Enterprise Services shall determine
9 equivalent levels for the purpose of assigning positions not
10 specifically addressed in subsection A of this section to the career
11 or executive service. Such determinations may be based on duties,
12 responsibilities and reporting relationships and may be subject to
13 review through any procedure determined by the Administrator of the
14 Human Capital Management Division of the Office of Management and
15 Enterprise Services; provided, that within any department
16 implementation of this subsection shall not jeopardize federal
17 funding resources.

18 SECTION 44. AMENDATORY 74 O.S. 2011, Section 840-5.16,
19 as amended by Section 918, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2013, Section 840-5.16), is amended to read as follows:

21 Section 840-5.16 A. There is hereby created the State Work
22 Incentive Program aimed at employing participants in the Temporary
23 Assistance for Needy Families Program in Oklahoma and vocational
24 rehabilitation clients of the State Department of Rehabilitation

1 Services in the state service. The program shall focus on placement
2 of persons in entry-level positions. The Department of Human
3 Services and the State Department of Rehabilitation Services shall
4 notify agencies in all branches of state government of this program
5 and shall certify to appointing authorities and the Director of the
6 Office of Management and Enterprise Services that a person is a
7 participant in the Temporary Assistance for Needy Families Program
8 or is a vocational rehabilitation client of the State Department of
9 Rehabilitation Services before the person is eligible to be employed
10 under the State Work Incentive Program by a state agency. Agencies
11 shall cooperate with the Department of Human Services and the State
12 Department of Rehabilitation Services in seeking to provide
13 employment opportunities to persons who are participants in the
14 Temporary Assistance for Needy Families Program or who are
15 vocational rehabilitation clients of the State Department of
16 Rehabilitation Services. The Department of Human Services, the
17 State Department of Rehabilitation Services and the Office of
18 Management and Enterprise Services shall coordinate with agencies to
19 facilitate the transition of participants in the Temporary
20 Assistance for Needy Families Program and vocational rehabilitation
21 clients of the State Department of Rehabilitation Services into the
22 State Work Incentive Program.

23 B. ~~Agencies employing eligible persons in the State Work~~
24 ~~Incentive Program shall employ them in unclassified status for up to~~

1 ~~two (2) years in full-time or part-time capacity. State Work~~
2 ~~Incentive Program positions shall not be included within any~~
3 ~~limitation on full-time equivalent employee positions for any~~
4 ~~agency. The service of participants shall be rated pursuant to~~
5 ~~Section 840-4.17 of this title.~~

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

10 ~~D. Employees hired under the State Work Incentive Program shall~~
11 ~~be eligible for conversion to permanent classified status after two~~
12 ~~(2) years of continuous participation in the program. Such employee~~
13 ~~shall be exempt from probationary hiring procedures including, but~~
14 ~~not limited to, placement on hiring lists and certification from~~
15 ~~registers, provided the employee:~~

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

18 ~~2. Possesses the minimum requirements specified for an~~
19 ~~applicable job.~~

20 The Director of the Office of Management and Enterprise Services
21 shall promulgate such rules as are necessary for the implementation
22 of the State Work Incentive Program.

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

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

6 B. A purpose of the Alternative Dispute Resolution Program is
7 to provide an efficient and economical means ~~and access~~ to ~~effective~~
8 ~~alternative dispute resolution services to all state agencies and~~
9 ~~employees~~ resolve employee complaints and appeals. The Alternative
10 Dispute Resolution Program is not subject to Article II of the
11 Administrative Procedures Act.

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

16 ~~D. Alternative dispute resolution programs established and~~
17 ~~utilized by the Commission are not subject to Article II of the~~
18 ~~Administrative Procedures Act. The decision in such cases may be~~
19 ~~appealed by any party to the Oklahoma Merit Protection Commission~~
20 ~~and thereafter to district court.~~

21 SECTION 46. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 840-6.1A of Title 74, unless
23 there is created a duplication in numbering, reads as follows:
24

1 A. There is hereby created the Career Service Commission. The
2 Career Service Commission shall be responsible for administering,
3 rendering final decisions, and acting as the appeals body for
4 appeals filed pursuant to the provisions of Section 840-2.5 of Title
5 74 of the Oklahoma Statutes and Section 51 of this act. The appeals
6 process shall be established pursuant to the rules promulgated by
7 the Office of Management and Enterprise Services.

8 B. The Commission shall consist of the following:

9 1. Three members appointed by the Governor;

10 2. Two members appointed by the Speaker of the House of
11 Representatives;

12 3. Two members appointed by the President Pro Tempore of the
13 Senate;

14 4. One member appointed by the Minority Leader of the Senate;
15 and

16 5. One member appointed by the Minority Leader of the House of
17 Representatives.

18 C. The Commission may be divided into panels of three for the
19 administration and rendering of final decision before the Commission
20 as deemed necessary. The Office of Management and Enterprise
21 Services shall allocate funds within its budget for the expenses of
22 the Career Service Commission. Monies budgeted may be expended by
23 the Director of the Office of Management and Enterprise Services for
24 purposes of the Career Service Commission.

1 D. The members of the Commission shall have demonstrated
2 professional experience in human resources or employment law and
3 shall serve four-year terms. Of the initial appointments made to
4 the Commission, one member appointed by the President Pro Tempore,
5 one member appointed by the Speaker and one member appointed by the
6 Governor shall be for a term of three (3) years. One member
7 appointed by the President Pro Tempore, one member appointed by the
8 Speaker and one member appointed by the Governor shall be for a term
9 of two (2) years. The one remaining initial appointment by the
10 Governor, one member appointed by the Minority Leader of the Senate
11 and one member appointed by the Minority Leader of the House of
12 Representatives shall be designated to serve a term of one (1) year.
13 At the expiration of the initial term, each new appointee shall
14 serve a four-year term.

15 E. No member of the Career Service Commission shall be a
16 lobbyist registered in this state as provided by law.

17 F. Any vacancy that occurs on the Career Service Commission
18 shall be filled for the unexpired term in the same manner as the
19 office was previously filled.

20 G. Any person serving as an appointed member of the Career
21 Service Commission on July 1, 2015, shall be eligible for
22 reappointment when the term of office of the member expires.

23 H. The Commission may employ and compensate one clerk of the
24 Commission and administrative law judges as deemed necessary for the

1 proper administration of duties and functions of the Commission.
2 All other personnel and administrative support shall be provided by
3 the Office of Management and Enterprise Services.

4 I. Appeals before the Commission, including final decisions,
5 shall be subject to the Oklahoma Administrative Procedures Act and
6 the provisions thereof for judicial review of agency decisions by
7 the district court.

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

11 A. The Office of Management and Enterprise Services shall
12 promulgate rules and establish internal agency complaint procedures
13 for career service employees.

14 B. Each agency shall make the internal agency complaint process
15 known to employees.

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

18 D. Executive service employees shall only file an internal
19 agency complaint regarding discrimination, retaliation, or loss of
20 base pay.

21 E. Internal agency complaint issues for career service
22 employees include, but are not limited to, informal discipline,
23 withholding of work, classification, reclassification, promotion,
24 leave, performance appraisal, length of service, overtime,

1 compensatory time, change in work location in excess of fifty (50)
2 miles, provided that the position does not require the person to
3 transfer or relocate on a routine basis, suspension without pay for
4 three (3) days or less, counseling, or any alleged violation of the
5 Oklahoma Career Service Act or career service rules. A complaint
6 must demonstrate a negative impact on an employee's employment. The
7 complaint process shall not include a change of work location of
8 less than fifty (50) miles, work assignments, shift changes, time
9 and place of employment, mandatory overtime, or hours of employment,
10 as such shall be within the sole and final discretion of the
11 employing state agency.

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

- 23 1. Informal resolution at the lowest possible level;
- 24 2. Established time periods; and

1 3. The employee's right to be represented, except the initial
2 informal discussion with the immediate supervisor.

3 G. The appointing authority shall designate complaint managers.
4 Complaint managers shall meet the training requirements established
5 by the Office of Management and Enterprise Services.

6 H. Each agency shall maintain complaint records as determined
7 by the Office of Management and Enterprise Services. Agencies shall
8 keep records of complaints separate and apart from employee
9 personnel files. An employee or former employee shall have a right
10 to his or her complaint files.

11 I. All final decisions shall be rendered no later than seventy-
12 five (75) days after the date of the filing of the complaint. The
13 Office of Management and Enterprise Services shall have the
14 authority to grant extensions in the case of extenuating
15 circumstances.

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

18 Section 840-6.3 A. An appointing authority may medically
19 separate any employee who is unable to return to work because of an
20 injury or illness after the employee has exhausted his or her rights
21 under family and medical leave statutes and sick leave
22 accumulations. An employee that has been absent for over one (1)
23 year because of a workers' compensation injury or illness may be
24 medically separated if the employee does not have a medical release

1 to perform the essential functions of the position held. An
2 appointing authority may separate an employee who fails to report to
3 work or notify his or her agency of any absence exceeding three (3)
4 days. An employee who fails to report to work or notify his or her
5 agency has given the appointing authority an implied resignation
6 from employment. Separation under this section shall be considered
7 a separation in good standing. Separation is not a disciplinary
8 action and is not reviewable beyond an agency's complaint process.
9 Each appointing authority shall establish written policies and
10 procedures for ~~progressive~~ discipline of employees according to the
11 rules established by the ~~Oklahoma Merit Protection Commission~~ Office
12 of Management and Enterprise Services.

13 B. ~~Progressive discipline~~ Discipline is a system designed to
14 ensure ~~not only~~ the consistency, impartiality and predictability of
15 ~~discipline, but also~~ and to provide for the flexibility to vary
16 penalties if justified by aggravating or mitigating conditions.
17 ~~Typically, penalties range~~ Discipline ranges from verbal warning to
18 ~~discharge, with intermediate levels of a written warning, suspension~~
19 ~~or demotion. Absent mitigating circumstances, repetition of an~~
20 ~~offense is accompanied by a generally automatic progression to the~~
21 ~~next higher level of discipline.~~ Discipline may be accelerated to
22 discharge for conduct involving criminal activity; sexual misconduct
23 and/or harassment; racially discriminatory behavior and/or
24 harassment; threats or acts of violence against employees in the

1 workplace; drug and/or alcohol use or abuse on the job or violating
2 the agency's drug and alcohol program; consumer, client or citizen
3 abuse, neglect or mistreatment; and abuse, neglect or mistreatment
4 of anyone in the care or custody of the state.

5 C. Each supervisor shall be responsible for applying discipline
6 when necessary that is ~~progressive in nature,~~ appropriate for the
7 offense, and equitable. Each supervisor shall consider aggravating
8 or mitigating circumstances when determining the proper disciplinary
9 action. Each supervisor shall use prompt, positive action to avoid
10 more serious disciplinary actions. The ~~Oklahoma Merit Protection~~
11 ~~Commission~~ Office of Management and Enterprise Services shall
12 promulgate rules to establish the requirements and guidelines for
13 discipline.

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

- 19 1. Criminal activity;
- 20 2. Sexual misconduct and/or harassment;
- 21 3. Racially discriminatory behavior and/or harassment;
- 22 4. Threats or acts of violence against employees in the
23 workplace; and

24

1 5. Drug and/or alcohol use or abuse on the job or violating the
2 agency's drug and alcohol program;

3 6. Consumer, client or citizen abuse, neglect or mistreatment;
4 and

5 7. Abuse, neglect or mistreatment of anyone in the care or
6 custody of the state.

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

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

13 B. Any career service employee may be discharged, suspended
14 without pay for not to exceed twenty (20) working days per incident,
15 or demoted by the agency, department, institution, or officer, for
16 misconduct; criminal activity; sexual misconduct and/or harassment;
17 threats or acts of violence against employees in the workplace; drug
18 and/or alcohol use or abuse on the job or violating the agency's
19 drug and alcohol program; consumer, client or citizen abuse, neglect
20 or mistreatment; abuse, neglect or mistreatment of anyone in the
21 care or custody of the state; insubordination; inefficiency;
22 inability to perform the duties of the position in which employed;
23 dereliction of duty; leave abuse; unsatisfactory attendance; poor
24 performance; violations of the Oklahoma Career Service Act or the

1 Career Service Rules for Employment; conduct unbecoming a public
2 employee; or any other reasonable cause. Employees in the career
3 service, upon final conviction of, or pleading guilty or nolo
4 contendere to, a felony shall be discharged if the felony is job-
5 related pursuant to Section 24.1 of Title 51 of the Oklahoma
6 Statutes. Before any action is taken against a career service
7 employee, the employing agency, department, institution or officer
8 shall provide the employee with a written statement of the specific
9 acts or omissions that are causes or reasons for the proposed
10 action, an explanation of the agency's evidence, and an opportunity
11 to present reasons why the proposed action is improper either in
12 writing or verbally at the appointing authority's discretion. The
13 employee shall have five (5) calendar days to respond to proposed
14 disciplinary action. An extension may be granted under reasonable
15 circumstances. Any verbal response will be recorded. The
16 appointing authority shall have ten (10) calendar days from receipt
17 of the employee's verbal or written response to make a final
18 disciplinary decision. The final disciplinary decision shall be
19 personally served upon the employee or sent by certified mail,
20 return receipt requested, to the employee's home address of record.

21 SECTION 50. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 840-6.5A of Title 74, unless
23 there is created a duplication in numbering, reads as follows:
24

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

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

7 C. Within fifteen (15) calendar days after the occurrence of
8 the action or after the date the employee became aware of the
9 action, the employee may file a written request for review with the
10 Office of Management and Enterprise Services.

11 D. All written requests for review shall be resolved pursuant
12 to the rules promulgated by the Office of Management and Enterprise
13 Services.

14 E. Decisions rendered pursuant to subsection D of this section
15 may be appealed to the Career Service Commission. Unless otherwise
16 provided for by statute, an appeal to the Commission under this
17 section shall be filed within fifteen (15) calendar days of
18 receiving the decision of the Office of Management and Enterprise
19 Services.

20 F. The Career Service Commission may order payment of
21 reasonable attorney fees and costs to the prevailing party if the
22 position of the nonprevailing party was without reasonable basis or
23 was frivolous.

1 G. The Office of Management and Enterprise Services shall
2 promulgate rules establishing an appeals process and implementing
3 the provisions within this section.

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

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

12 B. Prior to filing an appeal under this section the filing
13 party must have filed a complaint at the agency level.

14 C. Unless otherwise provided for by statute, an appeal pursuant
15 to this section shall be filed within fifteen (15) calendar days
16 after the conclusion of the agency complaint process.

17 D. All appeals shall be resolved within one hundred sixty (160)
18 days after the date of the filing of the appeal pursuant to the
19 rules promulgated by the Office of Management and Enterprise
20 Services. The Career Service Commission shall have the authority to
21 grant extensions in the case of extenuating circumstances.

22 E. The Career Service Commission may order payment of
23 reasonable attorney fees and costs to the prevailing party if the
24

1 position of the nonprevailing party was without reasonable basis or
2 was frivolous.

3 F. The Office of Management and Enterprise Services shall
4 promulgate rules establishing and implementing the provisions of
5 this section.

6 SECTION 52. AMENDATORY 74 O.S. 2011, Section 840-6.9, as
7 amended by Section 921, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
8 2013, Section 840-6.9), is amended to read as follows:

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

21 B. Any person against whom an administrative fine is levied who
22 continues the violation for an unreasonable period of time, as
23 determined by the ~~Oklahoma Merit Protection Commission or Director~~
24 ~~of the Office of Management and Enterprise Services,~~ shall forfeit

1 his or her position and shall be ineligible for appointment to or
2 employment in state government for a period of five (5) years.

3 C. Any fines collected pursuant to this section shall be
4 deposited to the revolving fund of the respective entity which
5 levies the fine.

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

8 Section 150.17 A. Effective July 1, 1980, the Statistical
9 Analysis Division of the present Oklahoma Crime Commission shall be
10 transferred to the Oklahoma State Bureau of Investigation. All
11 unexpended funds, property, records, personnel and any outstanding
12 financial obligations or encumbrances of the Crime Commission which
13 relate to the Statistical Analysis Division are hereby transferred
14 to the Oklahoma State Bureau of Investigation.

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

1 C. It is the intent of the Legislature that the mission of the
2 Statistical Analysis Division not be changed by this transfer, and
3 that the Oklahoma State Bureau of Investigation continue prior
4 cooperative agreements made with the Criminal Justice Agencies of
5 the state.

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

8 Section 5003.5 A. The Director of the Department of Commerce
9 shall be appointed by the Governor with the advice and consent of
10 the Senate. The Director shall serve at the pleasure of the
11 Governor and shall continue to serve until a successor is duly
12 appointed and qualified. The salary of the Director shall be set by
13 law.

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

17 C. The Director shall employ such persons as are necessary to
18 implement the powers and duties of the Department. Because many of
19 the powers and duties of the Department involve working closely with
20 the private sector, certain employee positions of the Department
21 must be governed, ~~classified~~ and compensated in a manner that
22 compares equally to similar positions in the private sector.
23 Therefore, in the annual business plan, the Director shall list,
24 describe and justify all such positions and their compensation ~~and~~

1 ~~shall designate and place them in unclassified status, exempt from~~
2 ~~the provisions of the Oklahoma Personnel Act. All other employees~~
3 ~~and positions shall be classified and subject to the provisions of~~
4 ~~the Merit System of Personnel Administration as provided in the~~
5 ~~Oklahoma Personnel Act. Provided, nothing in this section shall be~~
6 construed to limit the authority of the Legislature to specify the
7 status of positions otherwise by law. Neither shall the Director
8 have the authority to circumvent, disregard or otherwise disobey
9 specific provisions of law regarding positions in the Department.

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

11 1. The Oklahoma Industrial Finance Authority;

12 2. The Oklahoma Science and Technology Research and Development
13 Board;

14 3. The Oklahoma Development Finance Authority;

15 4. The Executive Bond Oversight Commission; and

16 5. The Oklahoma Ordnance Works Authority.

17 E. The Director may serve as administrator of any interlocal
18 agreement or compact to pursue economic development and to assign
19 any employees of the Department or employee personnel to carry out
20 duties or obligations pursuant to any interlocal agreement or
21 compact for economic development.

22 F. The Director, at his or her discretion, may approve payment
23 for affiliations or memberships of the Department or, if necessary,
24 associate memberships for individual employees in international,

1 national, or state economic development councils, professional
2 organizations, or governmental associations.

3 SECTION 55. AMENDATORY 3A O.S. 2011, Section 712, is
4 amended to read as follows:

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

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

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

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

21 E. A background investigation shall be conducted on each
22 applicant who has reached the final selection process prior to
23 employment by the Commission at the level of division director and
24 above and at any level within any division of security and as

1 otherwise required by the board of trustees of the Oklahoma Lottery
2 Commission. The Commission shall pay for the actual cost of the
3 investigations and shall contract with the Oklahoma State Bureau of
4 Investigation for the performance of the investigations. The
5 results of a background investigation shall not be considered a
6 record open to the public pursuant to the Oklahoma Open Records Act.

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

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

15 SECTION 56. AMENDATORY 53 O.S. 2011, Section 168, is
16 amended to read as follows:

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

23
24

1 SECTION 57. 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 58. 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:
23
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;

23
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 59. 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)~~ 1. All ~~classified~~ career service personnel shall become
2 members of the retirement system as a condition of their employment;

3 ~~(2)~~ 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)~~ 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)~~ 4. All other regular school employees may join the
21 Teachers' Retirement System subject to the rules and regulations as
22 may be adopted by the Board of Trustees of the Teachers' Retirement
23 System;

24

1 ~~(5)~~ 5. The Board of Trustees may, in its discretion, deny the
2 right to become members to any class of members whose compensation
3 is only partly paid by the state, or who is serving on a temporary
4 or other than per annum basis, and it also may, in its discretion,
5 make optional with members in any such class their individual
6 entrance into the retirement system; and

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

17 SECTION 60. REPEALER 3 O.S. 2011, Section 84.2, is
18 hereby repealed.

19 SECTION 61. REPEALER 37 O.S. 2011, Section 510A, as
20 amended by Section 126, Chapter 304, O.S.L. 2012 (37 O.S. Supp.
21 2013, Section 510A), is hereby repealed.

22 SECTION 62. REPEALER 43A O.S. 2011, Section 2-203, is
23 hereby repealed.

24

1 SECTION 63. REPEALER 44 O.S. 2011, Section 21.1, is
2 hereby repealed.

3 SECTION 64. REPEALER 72 O.S. 2011, Section 63.7A, is
4 hereby repealed.

5 SECTION 65. REPEALER 74 O.S. 2011, Sections 661.1, 840-
6 1.7, 840-1.8, 840-1.12, 840-1.13, 840-1.21, 840-2.6, 840-2.27F, as
7 amended by Section 887, Chapter 304, O.S.L. 2012, 840-3.4, as last
8 amended by Section 4, Chapter 237, O.S.L. 2013, 840-4.19, 840-5.2,
9 840-5.2B, as amended by Section 915, Chapter 304, O.S.L. 2012, 840-
10 5.4, 840-5.6, 840-5.7, 840-5.8, 840-5.9, 840-5.12, 840-5.13, 840-
11 5.15, 840-5.18, 840-5.19, 840-5.20, 840-5.21, 840-5.23, 840-5.24,
12 840-6.2, as amended by Section 919, Chapter 304, O.S.L. 2012, 840-
13 6.4, 840-6.5, as amended by Section 920, Chapter 304, O.S.L. 2012,
14 840-6.6, 840-6.7 and 840-6.8 (74 O.S. Supp. 2013, Sections 840-
15 2.27F, 840-3.4, 840-5.2B, 840-6.2 and 840-6.5), are hereby repealed.

16 SECTION 66. This act shall become effective November 1, 2014.

17

18 54-2-3641 MJM 4/14/2014 4:55:20 PM

19

20

21

22

23

24