

**OKLAHOMA STATE SENATE  
JOINT  
COMMITTEE REPORT**

May 13, 2013

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB 1124

By: Jolley and Justice of the Senate and Martin (Scott) and Newell of the House

Title: State employees; clarifying language. Effective date. Emergency.

Co-Authored By:

Recommendation: **DO PASS AS AMENDED**

Aye: Brinkley, David, Fields, Ford, Griffin, Halligan, Holt, Johnson (Rob), Standridge, Stanislawski, Sykes, Treat, Justice, Jolley

Nay: Bass, Coates, Ellis, Ivester, Johnson (Constance), Wyrick

Pass: Newberry

Senator Clark Jolley, Chair

Amendments:

1. Committee Substitute Attached.  
Committee Substitute Adopted by Senator Jolley

OKLAHOMA HOUSE OF REPRESENTATIVES  
COMMITTEE REPORT

JOINT APPROPRIATIONS AND BUDGET COMMITTEE

SB1124

By: Martin (Scott) et al of the House

Jolley et al of the Senate

Title: State employees; clarifying language. Effective date. Emergency.

Coauthored By:

Recommendation: **DO PASS AS AMENDED BY CS**

Amendments:

1. Committee Substitute Attached

  
Chr.  
Representative Scott Martin

YEAS: 13

Armes, Martin (Sc), Osborn, Watson, Coody, McCullough, Roberts (S), Cox, McNeil, Sanders,  
Denney, Newell, Sears

NAYS: 11

Billy, Dorman, McDaniel (J), Proctor, Brown, Hoskin, McPeak, Schwartz, Christian, Kern, Nelson

CONSTITUTIONAL PRIVILEGE: 0

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1124

By: Jolley and Justice of the  
Senate

6 and

7 Martin (Scott) and Newell  
of the House

8  
9 COMMITTEE SUBSTITUTE

10 An Act relating to state employees; amending 74 O.S.  
11 2011, Sections 840-5.5, as amended by Section 917,  
12 Chapter 304, O.S.L. 2012, 840-5.12 and 840-5.19 (74  
13 O.S. Supp. 2012, Section 840-5.5), which relate to  
14 the Oklahoma Personnel Act; amending 74 O.S. 2011,  
15 Section 3601.1, which relates to full-time-equivalent  
16 employees; amending 56 O.S. 2011, Section 26.17, as  
17 amended by Section 230, Chapter 304, O.S.L. 2012 (56  
18 O.S. Supp. 2012, Section 26.17), which relates to  
19 employees of the Department of Human Services;  
20 modifying positions in unclassified service;  
21 modifying limit on number of employees; repealing 74  
22 O.S. 2011, Section 840-5.24, which relates to  
23 employees of the State Election Board; providing an  
24 effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-5.5, as  
amended by Section 917, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
2012, Section 840-5.5), is amended to read as follows:

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

4 1. Persons chosen by popular vote or appointment to fill an  
5 elective office, and their employees, except the employees of the  
6 Corporation Commission, the State Department of Education and the  
7 Department of Labor;

8 2. Members of boards and commissions, and heads of agencies;  
9 also one principal assistant or deputy and one executive secretary  
10 for each state agency;

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

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

17 5. All officers and employees of The Oklahoma State System of  
18 Higher Education, State Board of Education and Oklahoma Department  
19 of Career and Technology Education;

20 6. Persons employed in a professional or scientific capacity to  
21 make or conduct a temporary and special inquiry, investigation, or  
22 examination on behalf of the Legislature or a committee thereof or  
23 by authority of the Governor. These appointments and authorizations  
24 shall terminate on the first day of the regular legislative session

1 immediately following the appointment, if not terminated earlier.  
2 However, nothing in this paragraph shall prevent the reauthorization  
3 and reappointment of any such person. Any such appointment shall be  
4 funded from the budget of the appointing authority;

5 7. Election officials and employees, including but not limited  
6 to employees of the State Election Board;

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

12 9. Department of Public Safety employees occupying the  
13 following offices or positions:

- 14 a. administrative aides to the Commissioner,
- 15 b. executive secretaries to the Commissioner,
- 16 c. the Governor's representative of the Oklahoma Highway  
17 Safety Office who shall be appointed by the Governor,
- 18 d. Highway Patrol Colonel,
- 19 e. Highway Patrol Lieutenant Colonel,
- 20 f. Director of Finance,
- 21 g. noncommissioned pilots,
- 22 h. Information Systems Administrator,
- 23 i. Law Enforcement Telecommunications System Specialist,
- 24 j. Director of Driver Compliance,

- 1 k. Director of Transportation Division,  
2 l. Director of the Oklahoma Highway Safety Office,  
3 m. Civil Rights Administrator,  
4 n. Budget Analyst,  
5 o. Comptroller,  
6 p. Chaplain,  
7 q. Helicopter Mechanic,  
8 r. Director of Safety Compliance,  
9 s. Human Resources Director,  
10 t. Administrator of Department Services, and  
11 u. a maximum of seven (7) positions for the purpose of  
12 administering programs in the Oklahoma Highway Safety  
13 Office, within full-time employee limitations of the  
14 Department, employed with federal funding that is  
15 continuing or indefinitely renewable. The  
16 authorization for such positions shall be terminated  
17 if the federal funding for positions is discontinued;  
18 provided, any person appointed to a position prescribed in  
19 subparagraph d or e of this paragraph shall have a right of return  
20 to the classified commissioned position without any loss of rights,  
21 privileges or benefits immediately upon completion of the duties in  
22 the unclassified commissioned position;
- 23 10. Professional trainees only during the prescribed length of  
24 their course of training or extension study;

1 11. Students who are employed on a part-time basis, which shall  
2 be seventy-five percent (75%) of a normal forty-hour work week or  
3 thirty (30) hours per week, or less, or on a full-time basis if the  
4 employment is pursuant to a cooperative education program such as  
5 that provided for under Title I IV-D of the Higher Education Act of  
6 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly  
7 enrolled in:

8 a. an institution of higher learning within The Oklahoma  
9 State System of Higher Education,

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

20 c. high school students regularly enrolled in a high  
21 school in Oklahoma and regularly attending classes  
22 during such time of enrollment;  
23  
24

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

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

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

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

- 15           a. Administrative aides, and executive secretaries to the
- 16                   Commissioners,
- 17           b. Directors of all the divisions, personnel managers and
- 18                   comptrollers,
- 19           c. General Counsel,
- 20           d. Public Utility Division Chief Engineer,
- 21           e. Public Utility Division Chief Accountant,
- 22           f. Public Utility Division Chief Economist,
- 23           g. Public Utility Division Deputy Director,
- 24           h. Secretary of the Commission,

- 1 i. Deputy Conservation Director,
- 2 j. Manager of Pollution Abatement,
- 3 k. Manager of Field Operations,
- 4 l. Manager of Technical Services,
- 5 m. Public Utility Division Chief of Telecommunications,
- 6 n. Director of Information Services,
- 7 o. All Data Processing employees hired on or after
- 8 September 1, 2005,
- 9 p. All Public Utilities employees hired on or after
- 10 September 1, 2007,
- 11 q. All Regulatory Program Managers hired on or after
- 12 September 1, 2007, and
- 13 r. All Pipeline Safety Department employees hired on or
- 14 after September 1, 2008;

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

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

- 22 a. Director of Facility,
- 23 b. Deputy Director for Administration,
- 24 c. Clinical Services Director,

1           d.    Executive Secretary to Director, and

2           e.    Directors or Heads of Departments or Services;

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

5           a.    State Comptroller,

6           b.    Administrative Officers,

7           c.    Alternator Claims Auditor,

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

10          e.    Employees of the Budget Division,

11          f.    Employees of the Fiscal and Research Division,

12          g.    Employees hired to work on the CORE Systems Project;  
13                and

14          h.    The following employees of the Information Services  
15                Division:

16                (1)   Information Services Division Manager,

17                (2)   Network Manager,

18                (3)   Network Technicians,

19                (4)   Security Manager,

20                (5)   Contracts/Purchasing Manager,

21                (6)   Operating and Applications Manager,

22                (7)   Project Manager,

23                (8)   Help Desk Manager,

24                (9)   Help Desk Technicians,

- 1 (10) Quality Assurance Manager,
- 2 (11) ISD Analysts,
- 3 (12) CORE Manager,
- 4 (13) Enterprise System/Database Software Manager,
- 5 (14) Data Center Operations and Production Manager,
- 6 (15) Voice Communications Manager,
- 7 (16) Applications Development Manager,
- 8 (17) Projects Manager,
- 9 (18) PC's Manager,
- 10 (19) Servers Manager,
- 11 (20) Portal Manager,
- 12 (21) Procurement Specialists,
- 13 (22) Security Technicians,
- 14 (23) Enterprise Communications and Network  
15 Administrator,
- 16 (24) Server Support Specialists,
- 17 (25) Senior Server Support Specialists,
- 18 (26) Systems Support Specialists,
- 19 (27) Senior Systems Support Specialists,
- 20 (28) Chief Technology Officer,
- 21 (29) Facility Manager,
- 22 (30) Application Development Specialists,
- 23 (31) Senior Application Development Specialists,
- 24 (32) Workstation Specialists,

- 1 (33) Senior Workstation Specialists,
- 2 (34) Cabling Infrastructure Administration,
- 3 (35) Planning Specialists,
- 4 (36) Senior Planning Specialists,
- 5 (37) Network Specialists,
- 6 (38) Senior Network Specialists,
- 7 (39) Voice Communication Specialists, and
- 8 (40) Senior Voice Communication Specialists;

9 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

14 22. The following positions and employees of the Oklahoma  
15 School of Science and Mathematics:

- 16 a. positions for which the annual salary is Twenty-four  
17 Thousand One Hundred Ninety-three Dollars (\$24,193.00)  
18 or more, as determined by the Office of Management and  
19 Enterprise Services, provided no position shall become  
20 unclassified because of any change in salary or grade  
21 while it is occupied by a classified employee,
- 22 b. positions requiring certification by the State  
23 Department of Education, and

1 c. positions and employees authorized to be in the  
2 unclassified service of the state elsewhere in this  
3 section or in subsection B of this section;

4 23. Office of Management and Enterprise Services employees  
5 occupying the following positions:

- 6 a. the Carl Albert Internship Program Coordinator,
- 7 b. one Administrative Assistant,
- 8 c. one Workforce Planning Manager,
- 9 d. Assistant Administrators,
- 10 e. one Associate Administrator, and
- 11 f. Division Directors;

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

- 14 a. two Deputy Commissioners,
- 15 b. two Executive Secretaries to the Commissioner,
- 16 c. Chief of Staff,
- 17 d. ~~two~~ five Administrative Assistants,
- 18 e. Information Systems Administrator,
- 19 f. three Safety and Health Directors,
- 20 g. Research Director,
- 21 h. Employment Standards Director,
- 22 i. Asbestos Director,
- 23 j. General Counsel,
- 24 k. one Legal Secretary,

- 1           l.    one Docket Clerk, ~~and~~
- 2           m.    two Information Systems Application Specialists,
- 3           n.    two Boiler and Pressure Vessel Inspectors,
- 4           o.    five Safety Standards Inspectors,
- 5           p.    five Safety Consultants,
- 6           q.    two Industrial Hygienists,
- 7           r.    one Occupational Licensure Specialist,
- 8           s.    three Labor Compliance Officers,
- 9           t.    two Administrative Technicians,
- 10          u.    one Customer Service Representative, and
- 11          v.    two Administrative Program Officers;

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

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

- 15           a.    Associate Director,
- 16           b.    Secretary to the Associate Director, and
- 17           c.    Assistant to the Executive Director;

18          27. Oklahoma Human Rights Commission personnel occupying the  
19 position of Administrative Assistant;

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

21          29. Officers and employees of the University Hospitals  
22 Authority except personnel in the state classified service pursuant  
23 to Section 3211 of Title 63 of the Oklahoma Statutes and members of  
24 the University Hospitals Authority Model Personnel System created

1 pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma  
2 Statutes or as otherwise provided for in Section 3213.2 of Title 63  
3 of the Oklahoma Statutes;

4 30. Alcoholic Beverage Laws Enforcement Commission employees  
5 occupying the following positions:

6 a. three Administrative Service Assistant positions,  
7 however, employees in such positions who are in the  
8 unclassified service on June 4, 2003, may make an  
9 election to be in the classified service without a  
10 loss in salary by September 1, 2003, and

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

13 31. The Oklahoma State Bureau of Investigation employees  
14 occupying the following positions:

- 15 a. five assistant directors,
- 16 b. six special investigators,
- 17 c. one information representative,
- 18 d. one federally funded physical evidence technician,
- 19 e. four federally funded laboratory analysts,
- 20 f. a maximum of fourteen positions employed for the  
21 purpose of managing the automated information systems  
22 of the agency,

23

24

- 1 g. one executive secretary in addition to the one  
2 executive secretary authorized pursuant to paragraph 2  
3 of this subsection,  
4 h. Child Abuse Response Team (CART) investigator,  
5 i. Child Abuse Response Team (CART) forensic interviewer,  
6 and  
7 j. nine administration and research positions and five  
8 data processing and information technology positions  
9 transferred from the Criminal Justice Resource Center  
10 pursuant to Section 150.17a of this title;

11 32. The Department of Transportation, the following positions:

- 12 a. ~~Director of the Oklahoma Aeronautics Commission,~~  
13 ~~b.~~ five Department of Transportation Assistant Director  
14 positions and the positions of their executive  
15 assistants,  
16 ~~c.~~  
17 b. eight field division engineer positions,  
18 ~~d.~~  
19 c. one pilot position,  
20 ~~e.~~ ~~five~~  
21 d. ten Project Manager Positions, and  
22 ~~f.~~ ~~five~~  
23 e. ten Transportation Coordinators;  
24

1 33. Commissioners of the Land Office employees occupying the  
2 following positions:

3 a. ~~Director of the Investments Division~~ Chief Financial  
4 Officer,

5 b. ~~Assistant Director of the Investments Division~~ two  
6 Assistant Directors of Financial Services,

7 c. one Administrative Assistant,

8 d. one Audit Tech position,

9 e. ~~one Auditor I position~~ four Auditor positions,

10 f. ~~two Accounting Tech I~~ Accounting Tech positions,

11 g. ~~two~~ one Administrative Assistant I ~~positions~~ position,

12 h. two Imaging Specialist positions,

13 i. one Information Systems Specialist position,

14 j. Director of Communications,

15 k. Director of Royalty Compliance,

16 l. Director of Mineral Management,

17 m. ~~Director of Accounting,~~

18 n. ~~Chief of Staff~~ Assistant Secretary,

19 o. ~~First Assistant Secretary~~

20 n. Archivist,

21 ~~p.~~

22 o. Director of Real Estate Management,

23 ~~q.~~

24 p. one executive secretary,

- ~~f.~~
- g. one legal secretary, and
- ~~s.~~
- r. one legal assistant,
- s. one Administrative Programs Officer,
- t. one Geographic Information Systems Specialist,
- u. four Accountants,
- v. two Financial Managers/Comptrollers,
- w. one Contracting and Acquisitions Agent,
- x. one Assistant Commercial Property Manager,
- y. one Oil and Gas Production Advisor/Geologist,
- z. one Soil Conservationist, and
- aa. one Commercial Property Manager;

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

- a. six Narcotics Agent positions and three Typist Clerk/Spanish transcriptionists, including a Typist Clerk Supervisor/Spanish transcriptionist, provided, authorization for such positions shall be terminated if the federal funding for the positions is discontinued,
- b. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- c. one fiscal officer,

- d. one full-time Programmer, and
- e. one full-time Network Engineer;

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

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

- a. one Oversight Specialist and one Community Development Planner,
- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued,
- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection, ~~and~~
- d. one Programs Manager, and
- e. two additional positions;

37. The following positions and employees of the Office of Management and Enterprise Services:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,
- l. one Property Distribution Administrator,
- m. three licensed architects assigned to the Construction and Properties Division,
- n. three licensed engineers assigned to the Construction and Properties Division,
- o. eight construction consultants assigned to the Construction and Properties Division,
- p. one attorney assigned to the Construction and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information

1 Technology Manager, one Applications Specialist and  
2 one Data Planning Specialist,

3 r. four positions assigned to Fleet Management, which  
4 shall include one Deputy Fleet Manager and three  
5 Management Analysts,

6 s. one Chief Auditor,

7 t. one Assistant Director of Central Purchasing Division,

8 u. one Professional Errors and Omissions Liability  
9 Adjuster,

10 v. three Strategic Sourcing Managers,

11 w. three Strategic Sourcing Assistant Managers, and

12 x. two Printing Services Brokers;

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

15 a. four Water Quality Assistant Division Chiefs,

16 b. four Water Resources Division Chiefs, and

17 c. Director of Water Planning;

18 39. J.D. McCarty Center for Children with Developmental  
19 Disabilities personnel occupying the following offices and  
20 positions:

21 a. Physical Therapists,

22 b. Physical Therapist Assistants,

23 c. Occupational Therapists,

24 d. Certified Occupational Therapist Aides, and

1 e. Speech Pathologists;

2 40. ~~The Development Officer, the Director of the State Museum~~  
3 ~~of History and the Cherokee Strip Regional Heritage Center Director~~  
4 ~~within the Oklahoma Historical Society~~ personnel occupying the  
5 following positions:

6 a. Development Officer,

7 b. Director of the State Museum of History,

8 c. Cherokee Strip Regional Heritage Center Director,

9 d. Director of Museums and Historic Sites,

10 e. Director of Research, and

11 f. Deputy State Historic Preservation Officer;

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

14 a. one Executive Secretary in addition to the Executive  
15 Secretary authorized by paragraph 2 of this subsection  
16 and one Executive Assistant,

17 b. nineteen Agricultural Marketing Coordinator III  
18 positions,

19 c. temporary fire suppression personnel, regardless of  
20 the number of hours worked, who are employed by the  
21 Oklahoma Department of Agriculture, Food, and  
22 Forestry; provided, however, notwithstanding the  
23 provisions of any other section of law, the hours  
24 worked by such employees shall not entitle such

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 52. ~~The following eighteen (18) positions in the State~~  
13 Department of Health personnel occupying the following offices and  
14 positions:

- 15 a. ~~one surveillance supervisor~~ State Commissioner of  
16 Health,
- 17 b. ~~one surveillance project monitor~~ Assistant State  
18 Commissioner of Health,
- 19 c. ~~two bilingual interviewers~~ Deputy Commissioner of  
20 Health,
- 21 d. ~~eight senior interviewers, and~~ Assistant Deputy  
22 Commissioner of Health,
- 23 e. ~~six interviewers~~ Chief Operating Officer,
- 24 f. Service Director,

- 1            g. County Health Department Regional Director,
- 2            h. Assistant Service Director,
- 3            i. Administrative Program Manager,
- 4            j. Executive Assistant,
- 5            k. Executive Secretary,
- 6            l. Paralegal,
- 7            m. Legal Assistant,
- 8            n. Legal Secretary,
- 9            o. Commissioned Peace Officer,
- 10           p. Internal Auditor,
- 11           q. Business Officer,
- 12           r. Operations Manager, and
- 13           s. all positions or employees assigned to the Behavioral
- 14           Risk Factor Surveillance System for Health Care
- 15           Information;

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

- 19           a. one Director of Enforcement, ~~and~~
- 20           b. two Board Investigators,
- 21           c. one Intern Application and Examination Specialist,
- 22           d. one Professional Application Specialist,
- 23           e. one Licensing and Examination Specialist, and
- 24           f. one License Renewal Specialist;

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

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

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

8 57. Two positions of the State Board of Licensed Social  
9 Workers;

10 58. One Legal Secretary of the State Board of Medical Licensure  
11 and Supervision;

12 59. All positions of the Department of Tourism and Recreation  
13 filled on or after July 1, 2013; and

14 60. All positions of the Office of the Secretary of State.

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

18 1. Licensed medical doctors, osteopathic physicians, dentists,  
19 psychologists, and nurses;

20 2. Certified public accountants;

21 3. Licensed attorneys;

22 4. Licensed veterinarians; and

23 5. Licensed pharmacists.  
24

1 C. Effective July 1, 1996, authorization for unclassified  
2 offices, positions, or personnel contained in a bill or joint  
3 resolution shall terminate June 30 of the ensuing fiscal year after  
4 the authorization unless the authorization is codified in the  
5 Oklahoma Statutes or the termination is otherwise provided in the  
6 legislation.

7 D. The appointing authority of agencies participating in the  
8 statewide information systems project may establish unclassified  
9 positions and appoint unclassified employees to the project as  
10 needed. Additional unclassified positions may be established, if  
11 required, to appoint an unclassified employee to perform the duties  
12 of a permanent classified employee who is temporarily absent from a  
13 classified position as a result of assignment to this project. All  
14 unclassified appointments under this authority shall expire no later  
15 than December 31, 2007, and all unclassified positions established  
16 to support the project shall be abolished. Both the positions and  
17 appointments resulting from this authority shall be exempt from any  
18 agency FTE limitations and any limits imposed on the number of  
19 unclassified positions authorized. Permanent classified employees  
20 may request a leave of absence from classified status and accept an  
21 unclassified appointment and compensation with the same agency under  
22 the provisions of this subsection; provided, the leave shall expire  
23 no later than December 31, 2007. Employees accepting the  
24 appointment and compensation shall be entitled to participate

1 without 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 subsection, 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 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-5.12, is  
10 amended to read as follows:

11 Section 840-5.12. A. The State Department of Rehabilitation  
12 Services shall be under the Merit System. Except as otherwise  
13 provided in this section, all offices, positions and personnel shall  
14 be classified and subject to the provisions of the Merit System of  
15 Personnel Administration and rules promulgated hereunder. This  
16 section shall supersede and repeal any and all executive orders  
17 issued pursuant to Section 840-1.1 et seq. of this title to place  
18 the agency or its predecessors under the Merit System.

19 B. In addition to offices, positions and personnel that are  
20 unclassified pursuant to Section 840-5.5 of this title, the Director  
21 of the State Department of Rehabilitation Services may establish  
22 positions in the unclassified service and place employees in the  
23 positions provided the total number of unclassified positions does  
24 not exceed fifty-two ~~(52)~~. This limit does not include State

1 Department of Rehabilitation Services employees subject to Section  
2 840-5.3 of this title.

3 C. The limit on unclassified positions provided for in  
4 subsection B of this section shall not apply to the instructional  
5 and administrative personnel at the Oklahoma School for the Blind  
6 and the Oklahoma School for the Deaf as listed in Section 1419 of  
7 Title 10 of the Oklahoma Statutes.

8 D. The limit on unclassified positions provided for in  
9 subsection B of this section shall not apply to the employees of the  
10 Disability Determination Division of the State Department of  
11 Rehabilitation Services. The Director of the State Department of  
12 Rehabilitation Services may establish positions in the unclassified  
13 service in the Disability Determination Division and may place  
14 employees in those positions provided the total number of those  
15 unclassified positions does not exceed ~~fourteen~~ twenty-one.

16 E. Instructional and administrative personnel of the State  
17 Department of Rehabilitation Services at the Oklahoma School for the  
18 Blind and the Oklahoma School for the Deaf pursuant to Section 1419  
19 of Title 10 of the Oklahoma Statutes shall be considered  
20 unclassified state employees solely for the purpose of entering and  
21 maintaining employment data in the state Personnel Management  
22 Information System established pursuant to Section 840-2.13 of this  
23 title, unless otherwise provided by law.

24

1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-5.19, is  
2 amended to read as follows:

3 Section 840-5.19. ~~A. The Ethics Commission shall be under the~~  
4 ~~Merit System. Except as provided in subsection B of this section,~~  
5 ~~all~~ All positions and personnel of the Ethics Commission shall be  
6 ~~classified and subject to the provisions of the Merit System of~~  
7 ~~Personnel Administration as provided in the Oklahoma Personnel Act.~~  
8 ~~This section shall supersede and repeal any and all executive orders~~  
9 ~~issued pursuant to the Oklahoma Personnel Act to place the agency~~  
10 ~~under the Merit System.~~

11 B. ~~In addition to positions and personnel that are unclassified~~  
12 ~~pursuant to Section 840-5.5 of Title 74 of the Oklahoma Statutes,~~  
13 ~~the following offices, positions, and personnel of the Ethics~~  
14 ~~Commission shall be in the unclassified service: One investigator~~  
15 in the unclassified service.

16 SECTION 4. AMENDATORY 74 O.S. 2011, Section 3601.1, is  
17 amended to read as follows:

18 Section 3601.1. A. For purposes of Sections 3601.1 through  
19 3603 of this title, the term "employee" means a full-time employee  
20 or any number of part-time employees whose combined weekly hours of  
21 employment equal those of a full-time employee, but shall not  
22 include temporary employees working on a seasonal basis between May  
23 1 and October 31.

24

1 B. Beginning July 1, 2008, the maximum number of full-time-  
 2 equivalent employees for each of the following agencies, boards,  
 3 commissions, departments, or programs shall not exceed the numbers  
 4 specified in this section, except as may be authorized pursuant to  
 5 the provisions of Section 3603 of this title.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES
9 Board of Managers of the State Insurance Fund	591
10 Oklahoma Employment Security Commission	1150
11 Oklahoma Accountancy Board	11
12 Board of Governors of the Licensed Architects, 13 Landscape Architects and Interior Designers of 14 Oklahoma	4
15 Board of Chiropractic Examiners	3
16 State Board of Cosmetology	16
17 Board of Dentistry	5
18 Oklahoma State Board of Embalmers and Funeral 19 Directors	5
20 State Board of Registration for Professional 21 Engineers and Land Surveyors	10
22 State Board of Medical Licensure and Supervision/ 23 Board of Podiatric Medical Examiners/State	
24 Board of Examiners of Perfusionists	<del>29</del> <u>30</u>

1	Commission on Marginally Producing Oil and Gas	
2	Wells	5
3	Oklahoma Motor Vehicle Commission	6
4	Oklahoma Board of Nursing	30
5	Oklahoma State Board of Examiners for Nursing	
6	Home Administrators	4
7	Board of Examiners in Optometry	3
8	State Board of Osteopathic Examiners	7
9	Oklahoma Peanut Commission	2
10	Oklahoma State Board of Pharmacy	<del>10</del> <u>11</u>
11	State Board of Examiners of Psychologists	2
12	Oklahoma Real Estate Commission	26
13	Board of Examiners for Speech-Language Pathology	
14	and Audiology	2
15	Oklahoma Used Motor Vehicle and Parts Commission	12
16	State Board of Veterinary Medical Examiners	6
17	Oklahoma Wheat Utilization, Research and Market	
18	Development Commission	7
19	Oklahoma Firefighters Pension and Retirement	
20	System	13
21	Oklahoma Police Pension and Retirement System	12
22	Teachers' Retirement System of Oklahoma	52
23	Oklahoma Public Employees Retirement System	63
24	Oklahoma Student Loan Authority	85

1	Oklahoma Industrial Finance Authority/Oklahoma	
2	Development Finance Authority	10
3	State and Education Employees Group Insurance	
4	Board	178
5	Oklahoma Capital Investment Board	4
6	State Board of Licensed Social Workers	± <u>2</u>
7	Oklahoma State Employees Benefits Council	38
8	Oklahoma State Banking Department	46
9	Liquefied Petroleum Gas Administration	10

10 C. The duties and compensation of employees, not otherwise  
11 prescribed by law, necessary to perform the duties imposed upon the  
12 Oklahoma Public Employees Retirement System Board of Trustees by law  
13 shall be set by the Board of Trustees.

14 D. Temporary employees of the Oklahoma Used Motor Vehicle and  
15 Parts Commission between the dates of November 1 and January 31  
16 annually shall not be counted toward the maximum number of full-  
17 time-equivalent employees provided for in this section.

18 SECTION 5. AMENDATORY 56 O.S. 2011, Section 26.17, as  
19 amended by Section 230, Chapter 304, O.S.L. 2012 (56 O.S. Supp.  
20 2012, Section 26.17), is amended to read as follows:

21 Section 26.17. A. The Director of Human Services, ~~subject to~~  
22 ~~the approval of the Commission for Human Services,~~ shall have the  
23 power to employ and fix the qualifications, duties and compensation  
24 of employees necessary to the fulfillment of the provisions of this

1 act, and shall have the power to approve any legal claim for  
2 payment.

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

8 C. In addition to offices, positions, and personnel in the  
9 unclassified service pursuant to Sections 840-5.3 and 840-5.5 of  
10 Title 74 of the Oklahoma Statutes, the following offices, positions,  
11 and personnel shall be in the unclassified service:

12 1. Campus police appointed pursuant to Section 162.2 of this  
13 title;

14 2. The legal division or unit established pursuant to Section  
15 236 of this title;

16 3. The Construction Unit and the Architectural and Engineering  
17 Unit or their successor units; and

18 4. A maximum of ~~five percent (5%)~~ ten percent (10%) of the  
19 maximum number of full-time-equivalent positions authorized by law  
20 to the Department of Human Services and selected at the discretion  
21 of the Director of the Department of Human Services. Employees  
22 retained in the unclassified service under the provisions of this  
23 section shall be employees at will. Any classified employee  
24 occupying a position selected by the Director pursuant to this

1 paragraph to become an unclassified position may elect to retain  
2 classified status. All future appointees to such position shall be  
3 in the unclassified service. The Director shall submit a list of  
4 such positions to the Office of Management and Enterprise Services  
5 by September 1, 2004, and annually thereafter.

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

10 SECTION 6. REPEALER 74 O.S. 2011, Section 840-5.24, is  
11 hereby repealed.

12 SECTION 7. This act shall become effective July 1, 2013.

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

17  
18 54-1-1875 CD 5/15/2013 12:54:01 PM

19  
20  
21  
22  
23  
24