ENGROSSED HOUSE
BILL NO. 2710 By: Ortega of the House

and

Thompson of the Senate

An Act relating to state government; amending 74 O.S. 2011, Section 840-1.6A, as amended by Section 6, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2015, Section 840-1.6A), which relates to the Oklahoma Personnel Act; modifying duties of the Director of the Office of Management and Enterprise Services; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-1.6A, as amended by Section 6, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2015, Section 840-1.6A), is amended to read as follows:

Section 840-1.6A The Office of Personnel Management Division of the Office of State Finance is hereby consolidated into and renamed the Office of Management and Enterprise Services. Where the term "Office of Personnel Management" is used within the Oklahoma Statutes, it shall mean the Office of Management and Enterprise Services. The chief administrative officer shall be the Director of

the Office of Management and Enterprise Services. In addition to the other duties imposed by law, the Director shall:

1. Be responsible for the development of an efficient and effective system of personnel administration that meets the management needs of the various agencies;

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

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

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

5. Conduct an analysis of the rates of pay prevailing in the state in the public and private sectors for comparable jobs and report the findings to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives no later than December 1 of each year. Such analysis shall include all forms of compensation including fringe benefits. Information solicited by

the Office of Management and Enterprise Services from public and private sector employers for such analysis, including but not limited to salaries, benefits, and compensation policies and procedures, shall be confidential and shall not be subject to disclosure under the Oklahoma Open Records Act;

6. Develop a program for the recruitment of qualified persons, including the administration of valid job-related nondiscriminatory selection procedures providing for competitive examinations ~~when practical and for reasonable selection criteria when competitive examinations are not practical~~ and other job-related assessments. As part of the recruitment program established by this section, the Director may identify positions or job family levels for expedited recruitment. Such expedited recruitment jobs may include only those jobs where education, experience or certification requirements substantially limit the pool of available applicants. Applicants who have been certified by the Office of Management and Enterprise Services as meeting the minimum qualifications for such jobs may be referred to agencies with vacancies in such jobs without examination or ranking, and may be eligible for appointment upon referral. However, a referral may not occur until the register for the job has been publicly announced for at least fourteen (14) calendar days. The Director may remove positions or job family levels from expedited recruitment at any time. The Director shall promulgate rules to implement expedited recruitment;

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

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

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

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

11. Assist the Oklahoma Merit Protection Commission and the Executive Director in effectuating their duties, enforcement of the

rules of the Merit System of Personnel Administration, and implementation of corrective action issued by the Commission;

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

13. Be responsible for advising state agencies on personnel policy and administration;

14. Establish standards for continuing training, including affirmative action, and certification of personnel professionals in the executive branch of state government, excluding institutions within The Oklahoma State System of Higher Education. Employees appointed to professional personnel positions shall complete an initial training program within one (1) year after assuming the professional personnel position. Thereafter, they shall complete annual training requirements. Each appointing authority shall ensure that all professional personnel employees are notified of, and scheduled to attend, required training programs and shall make time available for employees to complete the programs. The Director shall be authorized to bill agencies for the training of personnel professionals pursuant to this paragraph to recover reasonable costs associated with the training. Monies received for such training

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

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

a. selected job family levels with a turnover rate in excess of ten percent (10%),

b. selected job family levels identified by the Director of the Office of Management and Enterprise Services with salaries and benefits that are ten percent (10%) or more below the market for such positions, and

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

16. Issue orders directing agencies to:

a. conform and comply with the provisions of the Oklahoma Personnel Act, the Merit Rules of Personnel Administration, and all memoranda or other written communications issued to agencies explaining the Oklahoma Personnel Act, the Rules, and any other matter relating to the Merit System of Personnel Administration or under the jurisdiction of the Director, and

b. take action pursuant to Section 840-6.9 of this title for failure to implement those orders;

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

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

SECTION 2. This act shall become effective November 1, 2016.

Passed the House of Representatives the 24th day of February, 2016.

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Presiding Officer of the House of Representatives

Passed the Senate the ___ day of _____, 2016.

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Presiding Officer of the Senate