

1 ENGROSSED SENATE  
2 BILL NO. 853

By: Jolley and Treat of the  
Senate

3 and

4 Sears and Casey of the  
5 House

6  
7 An Act relating to the Department of Human Services;  
8 amending 56 O.S. 2011, Section 26.17, as amended by  
9 Section 230, Chapter 304, O.S.L. 2012 (56 O.S. Supp.  
10 2014, Section 26.17), which relates to Department  
11 personnel; clarifying language; modifying percentage  
12 of employees in unclassified service; providing an  
13 effective date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, as  
16 amended by Section 230, Chapter 304, O.S.L. 2012 (56 O.S. Supp.  
17 2014, Section 26.17), is amended to read as follows:

18 Section 26.17. A. The Director of Human Services, ~~subject to~~  
19 ~~the approval of the Commission for Human Services,~~ shall have the  
20 power to employ and fix the qualifications, duties, and compensation  
21 of employees necessary to the fulfillment of the ~~provisions of this~~  
22 ~~act~~ duties of the Department of Human Services as provided by law,  
and shall have the power to approve any legal claim for payment.

23 B. The Department of Human Services shall be a Merit System  
24 agency. The provisions of this section shall supersede and revoke

1 any and all Executive Orders placing the Department of Human  
2 Services or its predecessors under the provisions of the Merit  
3 System of Personnel Administration.

4 C. In addition to offices, positions, and personnel in the  
5 unclassified service pursuant to Sections 840-5.3 and 840-5.5 of  
6 Title 74 of the Oklahoma Statutes, the following offices, positions,  
7 and personnel shall be in the unclassified service:

8 1. Campus police appointed pursuant to Section 162.2 of this  
9 title;

10 2. The legal division or unit established pursuant to Section  
11 236 of this title;

12 3. The Construction Unit and the Architectural and Engineering  
13 Unit or their successor units; and

14 4. A maximum of ~~five percent (5%)~~ ten percent (10%) of the  
15 maximum number of full-time-equivalent positions authorized by law  
16 to the Department of Human Services and selected at the discretion  
17 of the Director of the Department of Human Services. Employees  
18 retained in the unclassified service under the provisions of this  
19 section shall be employees at will. Any classified employee  
20 occupying a position selected by the Director pursuant to this  
21 paragraph to become an unclassified position may elect to retain  
22 classified status. All future appointees to such position shall be  
23 in the unclassified service. The Director shall submit a list of  
24

1 such positions to the Office of Management and Enterprise Services  
2 by September 1, 2004, and annually thereafter.

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

7 SECTION 2. This act shall become effective July 1, 2015.

8 SECTION 3. It being immediately necessary for the preservation  
9 of the public peace, health and safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

12 Passed the Senate the 20th day of May, 2015.

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14 \_\_\_\_\_  
15 Presiding Officer of the Senate

16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2015.

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20 Presiding Officer of the House  
21 of Representatives  
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