

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3420 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Osburn

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3420

By: Osburn

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to state employees; amending 62 O.S.
9 2021, Section 34.301, which relates to the Civil
10 Service and Human Capital Modernization Act;
11 modifying powers and duties; authorizing legal
12 counsel; modifying exemptions; amending 74 O.S. 2021,
13 Sections 840-1.3, 840-1.6, 840-1.6A, 840-1.7, 840-
14 1.14, 840-1.17, 840-1.18, 840-1.20, 840-2.9, 840-
15 2.10, 840-2.10a, 840-2.13, 840-2.14, 840-2.16, 840-
16 2.17, 840-2.18, 840-2.19, 840-2.20, 840-2.21, 840-
17 2.23, 840-2.25, 840-2.27C, 840-2.27D, 840-2.28, 840-
18 4.19, 840-5.3 and 840-7.1, which relate to the
19 Oklahoma Personnel Act; modifying definitions;
20 removing definitions; abolishing the Oklahoma Merit
21 Protection Commission; transferring powers, duties,
22 and assets to the Human Capital Management Division
23 of the Office of Management and Enterprise Services;
24 removing obsolete language; updating references;
modifying definition; modifying days of scheduled
reduction-in-force; modifying reduction-in-force
implementation plan; modifying severance benefit
packages; providing exception; authorizing Civil
Service Director to delegate authority to issue
certain final agency orders; repealing 74 O.S. 2021,
Sections 840-1.2, 840-1.6B, 840-1.8, 840-1.9, 840-
1.10, 840-1.12, 840-1.13, 840-1.15, 840-1.19, 840-
1.21, 840-2.5, 840-2.6, 840-2.27A, 840-2.27B, 840-
2.27F, 840-2.27G, 840-2.27I, 840-2.29, 840-3.2, 840-
3.4, 840-3.5, 840-3.6, 840-3.7, 840-3.9, 840-3.10,
840-3.11, 840-3.12, 840-3.13, 840-3.14, 840-3.15,
840-3.16, 840-3.17, 840-4.1, 840-4.2, 840-4.3, 840-
4.4, 840-4.6, 840-4.8, 840-4.9, 840-4.10, 840-4.11,
840-4.12, 840-4.13, 840-4.14, 840-4.15, 840-4.16,
840-5.1, 840-5.1A, 840-5.2, 840-5.2A, 840-5.2B, 840-

1 5.4, 840-5.5, 840-5.6, 840-5.7, 840-5.8, 840-5.9,
2 840-5.11, 840-5.12, 840-5.13, 840-5.13A, 840-5.15,
3 840-5.16, 840-5.18, 840-5.19, 840-5.20, 840-5.21,
4 840-5.23, 840-5.24, 840-5.25, 840-5.26, 840-5.27,
5 840-6.1, 840-6.2, 840-6.3, 840-6.4, 840-6.5, 840-6.6,
6 840-6.7, 840-6.8 and 840-6.9, which relate to the
7 Oklahoma Personnel Act; providing for codification;
8 and declaring an emergency.

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

10 SECTION 1. AMENDATORY 62 O.S. 2021, Section 34.301, is
11 amended to read as follows:

12 Section 34.301 A. This act shall be known and may be cited as
13 the "Civil Service and Human Capital Modernization Act".

14 B. The Human Capital Management Division of the Office of
15 Management and Enterprise Services shall:

16 1. Establish and maintain a State Employee Dispute Resolution
17 Program, which may include mediation, to provide dispute resolution
18 services for state agencies and state employees. Actions agreed to
19 through the State Employee Dispute Resolution Program shall be
20 consistent with applicable laws and rules and shall not alter,
21 reduce or modify any existing right or authority as provided by
22 statute or rule;

23 2. Establish rules pursuant to the Administrative Procedures
24 Act as may be necessary to perform the duties and functions of this
act, including creating an Office of Veterans Placement to offer

1 counseling, assessment and assistance to veterans seeking state
2 employment;

3 3. Receive and only act on complaints by state employees
4 arising from disciplinary action;

5 4. ~~Use administrative law judges as independent contractors to~~
6 ~~exercise the provisions of this act~~ Contract with the Office of the
7 Attorney General which shall provide administrative law judges to
8 the Civil Service Division within the Office of Management and
9 Enterprise Services to exercise the provisions of this act;

10 5. Submit quarterly reports on workload statistics to the
11 Governor, the Speaker of the Oklahoma House of Representatives and
12 the President Pro Tempore of the Oklahoma State Senate containing
13 the following information:

14 a. the number of cases, complaints and requests for
15 hearings filed, disposed of and pending with the
16 Division for each month of the quarter, and

17 b. a numerical breakdown of the methods of disposition of
18 such cases, complaints and requests for hearing.

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

21 6. Create a confidential whistleblower program and serve as the
22 chief administrator of such program whereby a state employee may
23 confidentially report claims of agency or employee mismanagement as
24 well as criminal misuse of state funds or property. Mismanagement

1 includes fraudulent activity or abuse or violation of a well-
2 established, articulated, clear, and compelling public policy. The
3 Office of the Attorney General shall investigate and prosecute such
4 whistleblower claims.

5 C. Complaints shall be filed with the Human Capital Management
6 Division within ~~five (5)~~ ten (10) business days of the date of when
7 such action occurred and hearings shall take place within ~~twenty-~~
8 ~~five (25)~~ thirty (30) business days of the action.

9 D. Employees filing a complaint with the Human Capital
10 Management Division shall prove that there was no reasonable basis
11 for the disciplinary action by the state agency. The review of the
12 merits of the complaint shall be limited to the employee
13 disciplinary file directly at issue. Complaints relating to
14 punitive transfers or written reprimands shall be administrated
15 through mediation first and shall only proceed to a hearing if
16 mediation is unsuccessful. Employees who were offered a relocation
17 incentive as set forth in administrative rule shall not be deemed as
18 being subject to a punitive transfer. Complaints relating to
19 written reprimands shall be administered through mediation
20 exclusively. Mediation may also be available for other disciplinary
21 actions.

22 E. Claimants shall be permitted to secure and utilize
23 representation during the adverse action process.

24

1 F. The presiding officer of any proceeding before the Human
2 Capital Management Division may require payment of reasonable
3 attorney fees and costs to the prevailing party if the position of
4 the nonprevailing party was without reasonable basis or was
5 frivolous.

6 G. For purposes of this section, "disciplinary actions" means
7 termination, suspension without pay, involuntary demotion, punitive
8 transfers or written reprimand.

9 H. Nothing in this section shall apply to:

10 1. Persons employed by the Governor, Lieutenant Governor,
11 Oklahoma House of Representatives, Oklahoma State Senate,
12 Legislative Service Bureau, or the Legislative Office of Fiscal
13 Transparency;

14 2. Elected officials;

15 3. Political appointees;

16 4. District attorneys, assistant district attorneys or other
17 employees of the district attorney's office;

18 5. The state judiciary or persons employed by the state
19 judiciary; ~~or~~

20 6. Not more than five percent (5%) of an agency's employees
21 designated as executive management as determined by the agency
22 director;

23 7. Temporary employees employed to work less than one thousand
24 (1,000) hours in any twelve-month period;

1 8. Seasonal employees employed to work less than one thousand
2 six hundred (1,600) hours in any twelve-month period;

3 9. Employees in a trial period; or

4 10. State employees whose employment status is otherwise
5 provided by law.

6 I. Except as provided by subsection H of this section,
7 effective January 1, 2022, all state employee positions shall be
8 administered by the Human Capital Management Division of the Office
9 of Management and Enterprise Services, without reference to prior
10 classified or unclassified status.

11 J. Under the administration and oversight of the Human Capital
12 Management Division as set forth in subsection I of this section,
13 state agencies shall continue to be responsible for developing and
14 conducting policies and procedures for human resource activities,
15 including, but not limited to, recruitment, retention, promotion,
16 market-based pay analysis, training and development. In addition,
17 state agencies shall develop procedures for screening, hiring and
18 disciplinary actions of state employees subject to guidance and
19 approval by the Division.

20 K. When any officer or employee of the state is in doubt as to
21 the application of the Civil Service and Human Capital Modernization
22 Act and rules promulgated thereunder, the officer or employee may
23 submit to the Attorney General a full written statement of the facts
24 and questions he or she may have. The Attorney General shall then

1 render an opinion to such person and may publish these opinions, or
2 abstracts thereof, with the use of the name of the person advised
3 unless such person requests otherwise in writing.

4 L. The Attorney General shall be the legal counsel for the
5 Civil Service Division within the Office of Management and
6 Enterprise Services and represent the Civil Service Division when
7 its decisions are appealed to higher courts. The Office of the
8 Attorney General shall be legal counsel for and represent the Civil
9 Service Division notwithstanding its representation of any other
10 state department, agency, board, or commission in the same or
11 related matters pending before the Civil Service Division or before
12 any court. The Attorney General shall establish internal
13 administrative procedures to ensure that both agencies are provided
14 independent legal representation, and such simultaneous
15 representation shall not, of itself, be deemed to constitute a
16 conflict of interest. This provision shall not apply to any other
17 division within the Office of Management and Enterprise Services.

18 SECTION 2. AMENDATORY 74 O.S. 2021, Section 840-1.3, is
19 amended to read as follows:

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

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

- 1 2. "Employee" or "state employee" means an elected or appointed
2 officer or employee of an agency unless otherwise indicated;
- 3 3. "Appointing authority" means the chief administrative
4 officer of an agency;
- 5 4. ~~"Classification" means:~~
- 6 a. ~~the process of placing an employee into an appropriate~~
7 ~~job family and level within the job family, consistent~~
8 ~~with the allocation of the position to which the~~
9 ~~employee is assigned, or~~
- 10 b. ~~an employee's job family and the level at which work~~
11 ~~is assigned;~~
- 12 5. ~~"Classification plan" means the orderly arrangement of~~
13 ~~positions within an agency into separate and distinct job families~~
14 ~~so that each job family will contain those positions which involve~~
15 ~~similar or comparable skills, duties and responsibilities;~~
- 16 6. ~~"Classified service" means state employees and positions~~
17 ~~under the jurisdiction of the Oklahoma Merit System of Personnel~~
18 ~~Administration;~~
- 19 7. ~~"Copy" means the duplication of an original document or~~
20 ~~recording. The copy may be provided in an electronic format~~
21 ~~generated from technology having electrical, digital, magnetic,~~
22 ~~wireless, optical, electromagnetic, or similar capabilities;~~
- 23 8. ~~"Entrance examination" means any employment test used by the~~
24 ~~Office of Management and Enterprise Services to rank the names of~~

1 ~~applicants who possess the minimum requirements of education,~~
2 ~~experience, or licensure for a job or group of similar jobs on a~~
3 ~~register of eligibles established by the Office of Management and~~
4 ~~Enterprise Services;~~

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

6 ~~10. "Job family" means:~~

7 ~~a. jobs which require similar core skills and involve~~
8 ~~similar work, and~~

9 ~~b. a logical progression of roles in a specific type of~~
10 ~~occupation in which the differences between roles are~~
11 ~~related to the depth and breadth of experience at~~
12 ~~various levels within the job family and which are~~
13 ~~sufficiently similar in duties and requirements of the~~
14 ~~work to warrant similar treatment as to title, typical~~
15 ~~functions, knowledge, skills and abilities required,~~
16 ~~and education and experience requirements;~~

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

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

21 ~~a. describes a job family, including, but not limited to,~~
22 ~~the basic purpose, typical functions performed,~~
23 ~~various levels within the job family, and the~~

1 knowledge, skills, abilities, education, and
2 experience required for each level, and

3 b. ~~identifies the pay band assigned for each level;~~

4 ~~13. "Promotional examination" means any employment test~~
5 ~~designated by the Office of Management and Enterprise Services to~~
6 ~~determine further the qualifications of a permanent classified~~
7 ~~employee of a state agency for employment in a different job for~~
8 ~~which the employee possesses the minimum qualifications of~~
9 ~~education, experience, or licensure within that agency;~~

10 ~~14. "Interagency transfer" means an action in which an employee~~
11 ~~leaves employment with one agency and enters employment with another~~
12 ~~agency while continuously employed with the state;~~

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

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

23 ~~17. "Lateral transfer" means the reassignment of an employee to~~
24 ~~another state job with the same pay band assignment as the job~~

1 ~~family level in which the employee was classified prior to the~~
2 ~~lateral transfer;~~

3 ~~18. "Merit Rules" or "Merit Rules for Employment" or "Merit~~
4 ~~System of Personnel Administration Rules" means rules adopted by the~~
5 ~~Director of the Office of Management and Enterprise Services or the~~
6 ~~Oklahoma Merit Protection Commission pursuant to the Oklahoma~~
7 ~~Personnel Act;~~

8 ~~19. "Noncompetitive appointment" means the appointment of a~~
9 ~~person to a noncompetitive job level within a job family;~~

10 ~~20. "Noncompetitive job" means an unskilled or semiskilled job~~
11 ~~designated by the Office of Management and Enterprise Services as~~
12 ~~noncompetitive. Noncompetitive jobs do not require written~~
13 ~~examinations for placement on registers of eligibles;~~

14 ~~21. "Permanent classified employee" means a classified service~~
15 ~~employee who has acquired permanent status in accordance with the~~
16 ~~Oklahoma Personnel Act, and rules adopted pursuant thereto, and who~~
17 ~~has the right to appeal involuntary demotion, suspension without~~
18 ~~pay, and discharge to the Commission;~~

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

23 ~~23. 5. "Progressive discipline" means a system designed to~~
24 ~~ensure the consistency, impartiality and predictability of~~

1 discipline and the flexibility to vary penalties if justified by
2 aggravating or mitigating conditions;

3 ~~24. "Reclassification" means the process of changing a~~
4 ~~classified employee from one job family to another job family or~~
5 ~~from one job family level to another job family level in the same~~
6 ~~job family, resulting in a change in the employee's assigned job~~
7 ~~code;~~

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

15 ~~26. "Regular unclassified service employee" means an~~
16 ~~unclassified service employee who is not on a temporary or other~~
17 ~~time-limited appointment;~~

18 ~~27. 6. "Supervisor" means a classified or unclassified an~~
19 ~~officer or employee who has been assigned authority and~~
20 ~~responsibility for evaluating the performance of subordinates;~~

21 ~~28. "Unclassified service" or "exempt service" means employees~~
22 ~~and positions excluded from coverage of the Oklahoma Merit System of~~
23 ~~Personnel Administration;~~

24

1 ~~29. "Merit System" means the Oklahoma Merit System of Personnel~~
2 ~~Administration;~~

3 ~~30. 7.~~ "Director" means the appointing authority of the Office
4 of Management and Enterprise Services;

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

7 ~~32. 8.~~ "Office" means the Office of Management and Enterprise
8 Services;

9 ~~33. "Commission" means the Oklahoma Merit Protection~~
10 ~~Commission;~~

11 ~~34. 9.~~ "Veteran" means a person who has been honorably
12 discharged from the Armed Forces of the United States ~~and has been a~~
13 ~~resident of Oklahoma for at least one (1) year prior to the date of~~
14 ~~the examination; and~~

15 ~~35. 10.~~ "Voluntary out" means the voluntary separation of
16 employees from the state service in exchange for benefits offered by
17 an agency in order to reduce or eliminate the adverse impact of an
18 imminent reduction-in-force.

19 SECTION 3. AMENDATORY 74 O.S. 2021, Section 840-1.6, is
20 amended to read as follows:

21 Section 840-1.6 A. The internal administrative organization of
22 the Office of Management and Enterprise Services shall be determined
23 by the Director of the Office of Management and Enterprise Services
24

1 in such a manner as to promote the efficient and effective
2 enforcement of the Oklahoma Personnel Act.

3 B. The Director of the Office of Management and Enterprise
4 Services may employ attorneys, accountants and other personnel as
5 the Director deems necessary to carry out the duties imposed upon
6 the Office.

7 ~~C. Employees of the Office shall be subject to the Merit System~~
8 ~~of Personnel Administration, unless otherwise exempted by Section~~
9 ~~840-5.5 of this title.~~

10 SECTION 4. AMENDATORY 74 O.S. 2021, Section 840-1.6A, is
11 amended to read as follows:

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

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

23 2. Organize the Office to provide both service and regulatory
24 functions that are effective and efficient in meeting the management

1 needs of various state agencies. The Director is directed to
2 establish an agency service function to assist agencies with human
3 resource needs based upon the administrative capacity and resources
4 of the various agencies;

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

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

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

23 6. ~~Develop a program for the recruitment of qualified persons,~~
24 ~~including the administration of valid job-related nondiscriminatory~~

1 ~~selection procedures providing for competitive examinations and~~
2 ~~other job-related assessments. 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 Act and provide~~
23 ~~standard forms to the agencies if necessary;~~

24

1 ~~9.~~ 7. 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.~~ 8. Establish rules for leave and pay including, but not
11 limited to, rules for leave, and furloughs, ~~performance pay~~
12 ~~increases, rates for pay differentials, on-call pay, and other types~~
13 ~~of pay incentives and salary adjustments consistent with the~~
14 ~~Oklahoma Personnel Act;~~

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

19 ~~12.~~ 9. Be responsible for the development and maintenance of a
20 uniform occupation code system, grouped by job titles or duties, for
21 all ~~classified and unclassified~~ state positions. The responsibility
22 shall include the establishment of rules governing the
23 identification, tracking, and reporting of all state positions as
24 provided in Section 840-2.13 of this title;

1 ~~13.~~ 10. Be responsible for advising state agencies on personnel
2 policy and administration;

3 ~~14.~~ 11. Establish standards for continuing training, ~~including~~
4 ~~affirmative action,~~ and certification of personnel professionals in
5 the executive branch of state government, excluding institutions
6 within The Oklahoma State System of Higher Education. Employees
7 appointed to professional personnel positions shall complete an
8 initial training program within one (1) year after assuming the
9 professional personnel position. Thereafter, they shall complete
10 annual training requirements. Each appointing authority shall
11 ensure that all professional personnel employees are notified of,
12 and scheduled to attend, required training programs and shall make
13 time available for employees to complete the programs. The Director
14 shall be authorized to bill agencies for the training of personnel
15 professionals pursuant to this paragraph to recover reasonable costs
16 associated with the training. Monies received for such training
17 shall be deposited in the Human Capital Management Revolving Fund.
18 Expenditure of such funds collected for the training shall be exempt
19 from any expenditure limit on the Office of Management and
20 Enterprise Services established by law;

21 ~~15.~~ 12. Not less than once during each two-year period, conduct
22 a study identifying the following, by job family descriptors:

- 23 a. selected ~~job family levels~~ jobs with a turnover rate
24 in excess of ten percent (10%),

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

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

9 ~~16. Issue orders directing agencies to:~~

10 a. ~~conform and comply with the provisions of the Oklahoma~~
11 ~~Personnel Act, the Merit Rules of Personnel~~
12 ~~Administration, and all memoranda or other written~~
13 ~~communications issued to agencies explaining the~~
14 ~~Oklahoma Personnel Act, the Rules, and any other~~
15 ~~matter relating to the Merit System of Personnel~~
16 ~~Administration or under the jurisdiction of the~~
17 ~~Director, and~~

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

20 ~~17.~~ 13. Establish a workforce planning function within the
21 Office of Management and Enterprise Services to assist state
22 agencies in analyzing the current workforce, determining future
23 workforce needs, and implementing solutions so that agencies may
24 accomplish their missions; and

1 ~~18.~~ 14. Establish a quality management function within the
2 Office of Management and Enterprise Services and assist state
3 agencies in fully integrating quality management concepts and models
4 into their business practices for the purpose of improving the
5 overall efficiency and effectiveness of state government.

6 SECTION 5. AMENDATORY 74 O.S. 2021, Section 840-1.7, is
7 amended to read as follows:

8 Section 840-1.7 A. ~~There is hereby created the~~ The Oklahoma
9 Merit Protection Commission, ~~to continue until December 31, 2022 is~~
10 hereby abolished. Whenever the terms "Ethics and Merit Commission"
11 or "Special Counsel of the Ethics and Merit Commission" or the
12 "Oklahoma Merit Protection Commission" appear in the Oklahoma
13 Statutes, they shall mean the ~~Oklahoma Merit Protection Commission~~
14 ~~or the Executive Director of the Oklahoma Merit Protection~~
15 ~~Commission as may be appropriate to the context in which they~~
16 ~~appear. The Oklahoma Merit Protection Commission shall consist of~~
17 ~~nine (9) members who shall be appointed for a term of three (3)~~
18 ~~years. The members shall be removable only for cause, as provided~~
19 ~~by law for the removal of officers not subject to impeachment. Two~~
20 ~~members of the Commission shall be appointed by the President Pro~~
21 ~~Tempore of the Senate. Two members of the Commission shall be~~
22 ~~appointed by the Speaker of the House of Representatives. Five~~
23 ~~members of the Commission shall be appointed by the Governor. No~~
24 ~~more than four of the appointments made by the Governor shall be~~

1 ~~from the same political party. Of the initial appointments made to~~
2 ~~the Commission, one member appointed by the President Pro Tempore,~~
3 ~~one member appointed by the Speaker and one member appointed by the~~
4 ~~Governor shall be for a term of three (3) years; and one member~~
5 ~~appointed by the President Pro Tempore, one member appointed by the~~
6 ~~Speaker and one member appointed by the Governor shall be for a term~~
7 ~~of two (2) years. The remaining three initial appointments by the~~
8 ~~Governor shall be designated to serve a term of one (1) year. At~~
9 ~~the expiration of the initial term, each new appointee shall serve a~~
10 ~~three-year term. All initial appointments shall be made prior to~~
11 ~~July 1, 1982.~~

12 ~~B. Members of the Commission shall be entitled to reimbursement~~
13 ~~for expenses incurred in the performance of their duties as provided~~
14 ~~in the State Travel Reimbursement Act.~~

15 ~~C. The Commission shall elect a chairman to serve a two-year~~
16 ~~term and such other officers as deemed necessary for the performance~~
17 ~~of their duties. The Commission shall hold regular meetings not~~
18 ~~less than once a month and such additional meetings as called by the~~
19 ~~chairman as may be required for the proper discharge of its duties~~
20 Human Capital Management Division of the Office of Management and
21 Enterprise Services.

22 B. Any funds appropriated to, in the possession of or allocated
23 to the Commission shall be deemed to be funds of the Office of
24 Management and Enterprise Services.

1 C. Upon request of the Director of the Office of Management and
2 Enterprise Services, the personnel of the Commission shall deliver
3 to the Office of Management and Enterprise Services all books,
4 papers, records, and property of the Commission.

5 D. All functions, powers, duties, and obligations previously
6 assigned to Commission are hereby transferred to the Office of
7 Management and Enterprise Services.

8 E. All rules, regulations, acts, orders, determinations, and
9 decisions of the Commission pertaining to the functions and powers
10 herein transferred and assigned to the Office of Management and
11 Enterprise Services in force at the time of such transfer,
12 assignment, assumption, or devolution shall continue in force and
13 effect as rules, regulations, acts, orders, determinations, and
14 decisions of the Commission until duly modified or abrogated by the
15 appropriate body or until otherwise provided by law.

16 SECTION 6. AMENDATORY 74 O.S. 2021, Section 840-1.14, is
17 amended to read as follows:

18 Section 840-1.14 When any officer or employee of the state is
19 in doubt as to the application of the Oklahoma Personnel Act as to
20 himself or herself or to any employee under his or her supervision,
21 he or she may submit to the Attorney General a full written
22 statement of the facts and questions he or she may have. The
23 Attorney General shall then render an opinion to such person and may
24 publish these opinions, or abstracts thereof, with the use of the

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

18 SECTION 7. AMENDATORY 74 O.S. 2021, Section 840-1.17, is
19 amended to read as follows:

20 Section 840-1.17 The Office may enter into agreement with any
21 municipality or political subdivision of the state to furnish
22 services and facilities of the Office to the municipality or
23 political subdivision in the administration of its personnel on
24 merit principles. Any such agreement shall provide for the

1 reimbursement to the state of the cost of the services and
2 facilities furnished. All municipalities and political subdivisions
3 of the state may enter into such agreements.

4 SECTION 8. AMENDATORY 74 O.S. 2021, Section 840-1.18, is
5 amended to read as follows:

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

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

23
24

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

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

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

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

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

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

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

24

1 SECTION 9. AMENDATORY 74 O.S. 2021, Section 840-1.20, is
2 amended to read as follows:

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

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

1 C. Any monies in or obligations against the Employee Benefits
2 Revolving Fund and the Benefits Council Administration Revolving
3 Fund shall be transferred to the Human Capital Management Revolving
4 Fund. Funds previously designated for deposit into the Employee
5 Benefits Revolving Fund and the Benefits Council Administration
6 Revolving Fund shall be deposited into the Human Capital Management
7 Revolving Fund.

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

17 SECTION 10. AMENDATORY 74 O.S. 2021, Section 840-2.9, is
18 amended to read as follows:

19 Section 840-2.9 A. No person in the state service, ~~whether~~
20 ~~subject to the provisions of the Merit System or in unclassified~~
21 ~~service,~~ shall be appointed to or demoted or dismissed from any
22 position in the state service, or in any way favored or
23 discriminated against with respect to employment in the state
24 service because of political or religious opinions or affiliations,

1 race, creed, gender, color or national origin or by reason of any
2 physical handicap so long as the physical handicap does not render
3 the employee unable to do the work for which he or she is employed.
4 The hiring of special disabled veterans pursuant to Sections 401
5 through 404 of Title 72 of the Oklahoma Statutes shall not
6 constitute favoritism as herein prohibited.

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

18 C. No person shall make any false statement, certificate,
19 score, rating or report with regard to any test, certification or
20 appointment ~~made under any provision of the Oklahoma Personnel Act~~
21 to state service or in any manner commit any fraud related to
22 employment in state service preventing the implementation of the
23 provisions of ~~the Oklahoma Personnel Act~~ law and rules made pursuant
24 thereto.

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

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

12 F. Alleged violation of this section shall be reported to the
13 Oklahoma ~~Merit Protection Commission~~ Attorney General.

14 SECTION 11. AMENDATORY 74 O.S. 2021, Section 840-2.10,
15 is amended to read as follows:

16 Section 840-2.10 A. There is hereby created a State Employee
17 Assistance Program within the ~~Department of Mental Health and~~
18 ~~Substance Abuse Services~~ Office of Management and Enterprise
19 Services. ~~All functions, powers, duties, funds and obligations of~~
20 ~~the Office of Management and Enterprise Services in administration~~
21 ~~of the State Employee Assistance Program shall be transferred to the~~
22 ~~Department~~. The program may provide assistance to state agencies in
23 their management of employees whose personal problems may have a
24 negative impact on job performance. The program may also provide

1 for assessment, referral, consultation, and problem resolution
2 assistance to state employees and their family members seeking
3 corrective help with medical or mental health problems, including
4 alcohol or drug abuse and emotional, marital, familial, financial or
5 other personal problems. Participation in the State Employee
6 Assistance Program shall be on a voluntary basis.

7 B. The ~~Department~~ Office may enter into contracts which are
8 necessary and proper to carry out the purposes and functions of the
9 State Employee Assistance Program and establish standards and
10 criteria which shall be met by entities to be eligible to contract
11 with the ~~Department~~ Office.

12 C. The ~~Commissioner~~ Director of the ~~Department~~ Office is hereby
13 directed to:

14 ~~1. Promulgate~~ promulgate rules necessary for the administration
15 of the State Employee Assistance Program and the maintenance and
16 release of participant records; ~~and~~

17 ~~2. Establish evaluation methods to assess the effectiveness of~~
18 ~~the State Employee Assistance Program.~~

19 D. Nothing in this act is intended to nullify any agency's
20 existing employee assistance program or to prohibit any state agency
21 from establishing its own employee assistance program; provided,
22 however, such programs established by state agencies shall be
23 subject to compliance with rules promulgated by the ~~Commissioner~~

24

1 Director of the Department Office to ensure equitable treatment of
2 employees.

3 E. Records that relate to participation by an individual in the
4 State Employee Assistance Program or an employee assistance program
5 established by a state agency shall be maintained separate and apart
6 from regular personnel records and shall not become part of an
7 employee's personnel file. Such records relating to an individual's
8 participation in an employee assistance program shall be
9 confidential and neither the records nor the testimony of an
10 Employee Assistance Program professional shall be subject to
11 subpoena unless a participant poses a threat to deliberately harm
12 the participant or others. Such determination shall be made by an
13 Employee Assistance Program professional. A participant in an
14 employee assistance program shall have a right of access to his or
15 her own employee assistance program records.

16 F. No provision of this section or the rules promulgated
17 pursuant to this section shall be construed to conflict with an
18 appointing authority's responsibility and authority to maintain
19 discipline or to take disciplinary measures against employees for
20 misconduct or unacceptable performance. Further, participation or
21 nonparticipation in any state employee assistance program shall not
22 excuse an employee from discipline or otherwise affect the terms and
23 conditions of such employee's employment status or opportunities for
24 advancement with the state.

1 G. The Legislature and the judicial branch of state government
2 may utilize the services of the State Employee Assistance Program at
3 their discretion.

4 SECTION 12. AMENDATORY 74 O.S. 2021, Section 840-2.10a,
5 is amended to read as follows:

6 Section 840-2.10a A. State agencies shall provide or contract
7 to provide, through the State Employee Assistance Program,
8 debriefing and counseling services for state employees who are
9 involved in, witness or are otherwise exposed to a violent or
10 traumatic event in the workplace.

11 B. State employees who are affected by such events shall be
12 encouraged to participate in debriefing or counseling services and
13 paid administrative leave shall be provided. However, employees
14 shall have the option to refuse services offered.

15 C. The Director of the ~~Department of Mental Health and~~
16 ~~Substance Abuse Services~~ Office of Management and Enterprise
17 Services shall promulgate rules to implement the provisions of this
18 section which, at a minimum, shall specify the types of events which
19 shall qualify state employees for debriefing and counseling
20 services.

21 SECTION 13. AMENDATORY 74 O.S. 2021, Section 840-2.13,
22 is amended to read as follows:

23 Section 840-2.13 A. The Director of the Office of Management
24 and Enterprise Services shall establish a Personnel Management

1 Information System to provide various management reports to
2 facilitate decision making within agencies, and to promote the
3 efficient utilization of personnel resources by providing a method
4 for tracking, monitoring and reporting positions and employee
5 transactions. The System shall include information on ~~both the~~
6 ~~classified and unclassified services~~ state service positions within
7 the executive branch of government, but shall not require
8 institutions within The Oklahoma State System of Higher Education to
9 participate.

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

16 C. ~~The Personnel Management Information System shall be~~
17 ~~implemented for all state agencies under the Merit System by July 1,~~
18 ~~1993, and for all other executive branch state agencies by July 1,~~
19 ~~1994.~~

20 ~~D.~~ State agencies shall assist the Office of Management and
21 Enterprise Services as necessary to ensure the orderly completion of
22 implementation as provided for in this section.

23
24

1 ~~E.~~ D. Appointing authorities in the legislative or judicial
2 branches of state government may participate in the Personnel
3 Management Information System at their option.

4 SECTION 14. AMENDATORY 74 O.S. 2021, Section 840-2.14,
5 is amended to read as follows:

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

12 B. The Office of Management and Enterprise Services shall
13 produce an electronic report on an annual basis of all reallocation
14 decisions for career service positions.

15 C. The Office of Management and Enterprise Services shall
16 produce an electronic report on an annual basis of all transactions
17 in the ~~career service and executive~~ state service involving the
18 establishment of new positions.

19 D. As a further control on human resource costs, the Governor
20 may declare a financial emergency or implement a freeze in hiring,
21 by declaring this section to be in effect. ~~CompSource Oklahoma~~
22 ~~shall not be subject to the provisions of this subsection. During~~
23 ~~such periods, no audits of classified positions or reallocation of~~
24 ~~unclassified positions shall be initiated or conducted at the~~

1 ~~request of an agency except at the direction of the Governor. The~~
2 ~~provisions of the Oklahoma Personnel Act relating to agency-~~
3 ~~requested audits may be suspended during such periods to the extent~~
4 ~~that they are in conflict with this section. Provided, an audit at~~
5 ~~the request of an employee who files a classification grievance~~
6 ~~shall be conducted during such periods in accordance with the~~
7 ~~provisions of Section 840-4.3 of this title.~~

8 E. ~~The provisions of this section shall not be construed to~~
9 ~~suspend the responsibility of any agency to ensure that the duties~~
10 ~~and responsibilities assigned to an employee are consistent with the~~
11 ~~current classification of the employee.~~

12 SECTION 15. AMENDATORY 74 O.S. 2021, Section 840-2.16,
13 is amended to read as follows:

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

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

16 SECTION 16. AMENDATORY 74 O.S. 2021, Section 840-2.17,
17 is amended to read as follows:

18 Section 840-2.17 A. Unless otherwise provided by the Oklahoma
19 Constitution, statutory authority to set or fix compensation, pay or
20 salary of state officers and employees shall not be construed to
21 authorize any agency, board, commission, department, institution,
22 bureau, executive officer or other entity of the executive branch of
23 state government to award, grant, give, authorize, or promise any
24 officer or employee of the State of Oklahoma a raise that is

1 inconsistent with the compensation schedules established by the
2 Office of Management and Enterprise Services for all state officers
3 and employees in the executive branch ~~pursuant to Section 840-4.6 of~~
4 ~~this title~~, including, but not limited to, a cost-of-living raise or
5 any other type of raise that would be given to state employees on an
6 across-the-board basis, except as herein provided. Such raises are
7 prohibited unless authorized by the Legislature and by ~~Career~~
8 ~~Service Rules for Employment~~ rules promulgated by the Director.
9 This prohibition applies to all ~~career and executive service~~
10 officers and employees in the executive branch of state government,
11 excluding institutions under the administrative authority of the
12 Oklahoma State Regents for Higher Education.

13 B. However, nothing in this section shall be construed to
14 prohibit the following actions if the action is made in good faith
15 and not for the purpose of circumventing subsection A of this
16 section, and if the appointing authority certifies that the action
17 can be implemented for the current fiscal year and the subsequent
18 fiscal year without the need for additional funding to increase the
19 personal services budget of the agency, and if the Office of
20 Management and Enterprise Services certifies that the action is
21 consistent with the compensation schedules established pursuant to
22 the provisions of ~~Section 840-4.6 of this title~~ act:

23 1. Salary advancements on promotion ~~or direct reclassification~~
24 ~~to a job family level or class with a higher salary band;~~

1 2. Salary adjustments resulting from a pay ~~band~~ change for a
2 job ~~family level or class~~ adopted by the Office of Management and
3 Enterprise Services;

4 3. Increases in longevity payments pursuant to Section 840-2.18
5 of this title;

6 4. Payment of overtime, special entrance rates, pay
7 differentials;

8 5. Payment of wages, salaries, or rates of pay established and
9 mandated by law;

10 6. Market adjustments for ~~job family levels~~ jobs tied to market
11 competitiveness;

12 7. ~~Intra-agency lateral transfers, provided that the adjustment~~
13 ~~does not exceed five percent (5%) and the adjustment is based on the~~
14 ~~needs of the agency;~~

15 8. ~~Skill-based adjustments. Such adjustments, which are~~
16 ~~implemented before November 1, 2006, other than lump-sum payments,~~
17 ~~shall become permanent after twenty-four (24) months from the date~~
18 ~~such salary adjustment is implemented and may not later be removed~~
19 ~~from an employee's base salary if a furlough or reduction-in-force~~
20 ~~is implemented by the appointing authority granting such salary~~
21 ~~adjustment. Skill-based pay adjustments, which are implemented on~~
22 ~~or after November 1, 2006, and which are paid to an employee, shall~~
23 ~~be paid as long as the employee remains employed in the position and~~
24

1 ~~performs the skills for which the differential is due, but shall not~~
2 ~~be included as a part of the employee's base salary;~~

3 ~~9.~~ 8. Equity-based adjustments;

4 ~~10.~~ 9. Performance-based adjustments for employees who received
5 at least a "meets standards" rating on their most current
6 performance rating; or

7 ~~11.~~ 10. Career progression increases as an employee advances
8 through job family levels; ~~or~~

9 ~~12.~~ Salary adjustments not to exceed five percent (5%) for
10 probationary career employees achieving permanent status following
11 the initial probationary period and permanent career employees
12 successfully completing trial periods after intra-agency lateral
13 transfer or promotion to a different job family level or following
14 career progression to a different job family level.

15 C. Provided, however, any reclassification salary increase for
16 one of the purposes provided in subsection B of this section that
17 would require additional funding by the Legislature shall not be
18 implemented without approval of the Legislature.

19 D. ~~The pay movement mechanisms described in paragraphs 6~~
20 ~~through 11 in subsection B of this section shall be implemented~~
21 ~~pursuant to rules promulgated by the Director of the Office of~~
22 ~~Management and Enterprise Services for the career service.~~

23 ~~E.~~ Appointing authorities may implement the pay movement
24 mechanisms in paragraphs 6 through 12 in subsection B of this

1 ~~section~~ subject to the availability of funds within the agency's
2 budget for the current fiscal year and subsequent fiscal year
3 without the need for additional funding to increase the personal
4 services budget of the agency. Failure by the appointing authority
5 to follow the provisions of this subsection may cause the withdrawal
6 of the use of the pay movement mechanisms ~~provided in paragraphs 6,~~
7 ~~7, 9, 10 and 11 of subsection B~~ of this section within the agency
8 during the next appropriations cycle.

9 ~~F. The provisions in subsection B of this section shall not~~
10 ~~apply to chief executive officers of any agency, board, commission,~~
11 ~~department or program except for paragraphs 3 and 5 of subsection B~~
12 ~~of this section.~~

13 ~~G. E.~~ The Office of Management and Enterprise Services shall
14 file a quarterly report with the Offices of the Governor, President
15 Pro Tempore of the Senate and Speaker of the House of
16 Representatives listing, by agency, all increases in wages, salaries
17 or rates of pay and any changes to title or classification of each
18 employee.

19 SECTION 17. AMENDATORY 74 O.S. 2021, Section 840-2.18,
20 is amended to read as follows:

21 Section 840-2.18 A. A longevity pay plan is hereby adopted.
22 This plan applies to all state ~~classified, unclassified, and exempt~~
23 employees, excluding members of boards and commissions, institutions
24 under the administrative authority of the State Regents for Higher

1 Education, employees of public school districts, and elected
2 officials. The plan shall also apply to those employees of the
3 Oklahoma School for the Blind and the Oklahoma School for the Deaf
4 who qualify for longevity pay in accordance with subsection G of
5 Section 1419 of Title 10 of the Oklahoma Statutes.

6 B. The Oklahoma Conservation Commission is hereby authorized to
7 establish a longevity pay program for employees of the conservation
8 districts employed under Section 3-3-103 of Title 27A of the
9 Oklahoma Statutes. Such longevity pay program shall be consistent
10 with the longevity pay program for state employees authorized under
11 this title and payments shall be made in a manner consistent with
12 procedures for reimbursement to conservation districts.

13 C. To be eligible for longevity pay, employees must have been
14 continuously employed in the ~~classified or unclassified~~ service of
15 the state for a minimum of two (2) years in full-time status or in
16 part-time status working more than one thousand (1,000) hours a
17 year.

18 For purposes of this section, a break in service of thirty (30)
19 calendar days or less shall not be considered an interruption of
20 continuous service; a break in service of more than thirty (30)
21 calendar days shall mark an end to continuous service. The
22 legislative session employees who have worked for two (2) years or
23 more in part-time status and are eligible for state retirement
24 benefits, but do not receive other longevity payments, shall be

1 eligible and shall be considered to have been continuously employed
2 for purposes of calculating longevity payments, notwithstanding the
3 provisions of subsection E of this section.

4 D. 1. Longevity pay for the first twenty (20) years of service
5 shall be determined pursuant to the following schedule:

6	Years of Service	Annual Longevity Payment
7	At least 2 years but	
8	less than 4 years	\$250.00
9	At least 4 years but	
10	less than 6 years	\$426.00
11	At least 6 years but	
12	less than 8 years	\$626.00
13	At least 8 years but	
14	less than 10 years	\$850.00
15	At least 10 years but	
16	less than 12 years	\$1,062.00
17	At least 12 years but	
18	less than 14 years	\$1,250.00
19	At least 14 years but	
20	less than 16 years	\$1,500.00
21	At least 16 years but	
22	less than 18 years	\$1,688.00
23	At least 18 years but	
24	less than 20 years	\$1,900.00

1 Other employment shall not be counted as service for purposes of
2 longevity payments. Further, no period of employment with the
3 state, whether with one or more than one agency, shall be counted as
4 more than full-time service.

5 F. Years of service under the administrative authority of the
6 State Regents for Higher Education or the administrative authority
7 of the Oklahoma Department of Career and Technology Education of any
8 employee who is now employed in a job classification which is
9 eligible for longevity pay shall be included in years of service for
10 purposes of determining longevity pay.

11 G. Years of service shall be certified through the current
12 employing agency by the appointing authority on a form approved by
13 the Office of Management and Enterprise Services. The form shall be
14 completed and posted as directed by the Director of the Office of
15 Management and Enterprise Services by the current employing agency
16 when the employee initially enters on duty with the agency and
17 thereafter whenever the employee's anniversary date is changed.

18 H. Eligible employees, in full-time status or in part-time
19 status working more than one hundred fifty (150) hours per month,
20 shall receive one (1) lump-sum annual payment, in the amount
21 provided on the preceding schedule, during the month following the
22 anniversary date of the employee's most recent enter-on-duty day
23 with the state. Upon implementation of the statewide information
24 systems project, the lump-sum annual payment may be paid concurrent

1 with the final payroll of the month of the employee's anniversary
2 date. Eligible part-time employees who work one hundred fifty (150)
3 hours per month or less shall receive one (1) lump-sum annual
4 payment, based on the formula in subsection L of this section,
5 during the month following the anniversary date of the employee's
6 most recent enter-on-duty day with the state. To receive longevity
7 pay an employee must be in pay status on or after his or her
8 anniversary date.

9 Eligible employees who would not otherwise receive annual
10 longevity payments because their employment includes regular periods
11 of leave without pay in excess of thirty (30) calendar days shall
12 receive one (1) lump-sum annual payment, based on the formula in
13 subsection L of this section, during:

- 14 1. The month of August if the employee is in pay status on July
15 1; or
- 16 2. During the month following the employee's first return to
17 duty that fiscal year if the employee is not in pay status on July
18 1.

19 Except as otherwise provided by ~~Sections 840-2.27D and~~ Section
20 840-2.28 of this title, employees terminated as a result of a
21 reduction-in-force or retiring from state employment shall receive
22 upon said termination or retirement the proportionate share of any
23 longevity payment which may have accrued as of the date of
24 termination or retirement. Provided further that, the proportionate

1 share of any longevity payment which may have accrued as of the date
2 of death of an employee shall be made to the surviving spouse of the
3 employee or if there is no surviving spouse to the estate of the
4 employee.

5 I. Periods of leave without pay taken in accordance with
6 Section 840-2.21 of this title shall be counted as service. Other
7 periods of nonpaid leave status in excess of thirty (30) calendar
8 days shall not mark a break in service; however, they shall:

9 1. Not be used in calculating total months of service for
10 longevity pay purposes; and

11 2. Extend the anniversary date for longevity pay by the total
12 period of time on nonpaid leave status except as provided in
13 subsection H of this section for employees whose conditions of
14 employment include regular periods of leave without pay.

15 J. Employees currently receiving longevity pay who work for the
16 judicial branch of state government or who work for the Oklahoma
17 Department of Career and Technology Education shall not be eligible
18 for the longevity pay plan provided for in this section.

19 K. A break in service with the state in excess of thirty (30)
20 days but which does not exceed two (2) years which was caused by a
21 reduction-in-force shall be treated as if it were a period of
22 nonpaid leave status as provided for in subsection I of this section
23 for the purpose of calculating total months of service for longevity
24

1 pay. This subsection shall only apply to state employees laid off
2 after June 30, 1982.

3 L. Eligible part-time employees working less than one hundred
4 fifty (150) hours per month and other eligible employees with
5 regular annual periods of leave without pay of more than thirty (30)
6 calendar days will receive a prorated share of the "Annual Longevity
7 Payment" authorized in subsection D of this section. The prorated
8 amount of payment will be based on actual hours worked in the
9 immediately preceding twelve (12) months.

10 M. An employee shall not be entitled to retroactive longevity
11 payments as a result of amendments to this section unless
12 specifically authorized by law.

13 N. The Director of the Office of Management and Enterprise
14 Services is authorized to promulgate such Longevity Pay Plan Rules
15 as he or she finds necessary to carry out the provisions of this
16 section.

17 O. As of July 1, 1998, years of service with a city-county
18 health department for employees who left a city-county health
19 department for employment with the Department of Environmental
20 Quality or the Oklahoma Department of Agriculture, Food, and
21 Forestry, between July 1, 1993, and July 1, 1998, and who are now
22 employed in a job classification that is eligible for longevity pay
23 pursuant to this section, shall be included in years of service for
24 purposes of determining longevity pay subsequent to July 1, 1998.

1 P. As of July 1, 2003, years of service with a local
2 conservation district shall be included in years of service for
3 purposes of determining longevity pay for local conservation
4 district employees transferred to the Oklahoma Conservation
5 Commission pursuant to the provisions of this section.

6 SECTION 18. AMENDATORY 74 O.S. 2021, Section 840-2.19,
7 is amended to read as follows:

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

19 B. If, as a result of a payroll audit, the Office of Management
20 and Enterprise Services finds that an agency has made payments of
21 salaries or wages contrary to the provisions of the Oklahoma
22 Personnel Act and the rules promulgated pursuant to the provisions
23 of the Oklahoma Personnel Act:

24

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

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

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

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

20 5. Upon receipt of notification that a procedure to initiate
21 repayment has been instituted by the certifying agency ~~or that a~~
22 ~~protest has been filed with the Oklahoma Merit Protection~~
23 ~~Commission~~, said notice shall be withdrawn or waived by the Director
24 of the Office of Management and Enterprise Services. Implementation

1 of procedures provided in this section shall not operate to deny or
2 delay payment of proper salaries or wages to any employee of this
3 state;

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

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

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

19 C. The Director of the Office of Management and Enterprise
20 Services shall not approve any payroll claim for payment for any
21 agency for which a notification of an unresolved audit exception
22 pursuant to this section has been filed, unless the person named in
23 the audit exception has been removed from the payroll by the
24 certifying agency, the overpayment has been converted by the agency,

1 or the exception has been withdrawn or waived in writing by the
2 Office of Management and Enterprise Services.

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

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

- 10 a. the amounts paid in error,
- 11 b. the dates of said payments,
- 12 c. the options available for repayment, and
- 13 d. the right of the payee to protest the findings.

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

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

- 21 a. lump-sum cash repayment,
- 22 b. reduction of the corrected current salary or
23 miscellaneous payroll deduction in a lump sum or in

24

1 installments over a term not to exceed the term in
2 which the erroneous payments were made,

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

7 d. any combination thereof;

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

19 ~~4. If a payee who is, at the time of said notification, a~~
20 ~~permanent classified officer or employee of any agency of this state~~
21 ~~protests the determination of the error or the amount of said~~
22 ~~determination, the agency seeking repayment shall present, within~~
23 ~~five (5) days of the return of said protest, the facts in writing,~~
24 ~~the notice, and the protest of the payee, to the Oklahoma Merit~~

1 ~~Protection Commission. The Oklahoma Merit Protection Commission~~
2 ~~shall treat any such protest as a complaint pursuant to Section 840-~~
3 ~~1.9 of this title. The Commission and Executive Director, after~~
4 ~~investigation and hearing, shall make a determination which shall be~~
5 ~~binding on the agency. The salary or wages of any payee exercising~~
6 ~~the right to the protest shall not be suspended or reduced until a~~
7 ~~determination has been issued by the Oklahoma Merit Protection~~
8 ~~Commission and Executive Director;~~

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

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

15 ~~6.~~ 5. If the payee is no longer an employee of the state, and
16 does not respond or cannot be located within ten (10) days after
17 mailing of the determination of error, or refuses repayment, the
18 agency seeking repayment shall present the facts in writing to the
19 Attorney General and shall send a copy to the Office of Management
20 and Enterprise Services. The Attorney General shall determine what
21 action may be taken to recover said amount; and

22 ~~7.~~ 6. Repayments other than by reduction in present salary or
23 reduction in accrued annual leave for a payee currently employed by
24 the agency seeking repayment shall be deposited in the General

1 Revenue Fund unless the fund to which the amount in error was
2 originally charged can be identified and was other than a General
3 Revenue Fund appropriation. Said deposits shall be treated as
4 nonrevenue receipts.

5 SECTION 19. AMENDATORY 74 O.S. 2021, Section 840-2.20,
6 is amended to read as follows:

7 Section 840-2.20 A. The Director of the Office of Management
8 and Enterprise Services shall promulgate such emergency and
9 permanent rules regarding leave and holiday leave as are necessary
10 to assist the state and its agencies.

11 The Director of the Office of Management and Enterprise
12 Services, in adopting new rules, amending rules and repealing rules,
13 shall ensure that the following provisions are incorporated:

14 1. Eligible employees who enter on duty or who are reinstated
15 after a break in service shall receive leave benefits in accordance
16 with the schedule outlined below. Leave shall be accrued based upon
17 hours worked, paid leave, and holidays, but excluding overtime, not
18 to exceed the total possible work hours for the pay period. Years
19 of service shall be based on cumulative periods of employment
20 calculated in the manner that cumulative service is determined for
21 longevity purposes pursuant to Section 840-2.18 of this title.
22 Employees may accumulate more than the maximum annual leave
23 accumulation limits shown in the schedule below provided that such
24 excess is used during the same calendar year in which it accrues or

1 within twelve (12) months of the date on which it accrues, at the
 2 discretion of the appointing authority. If an employee whose job
 3 duties include providing fire protection services, law enforcement
 4 services or services with the Department of Corrections is unable to
 5 use excess leave as provided for in this paragraph because the
 6 employee's request for leave is denied by the employee's appointing
 7 authority and the denial of leave is due to extraordinary
 8 circumstances such that taking leave could pose a threat to public
 9 safety, health or welfare, the employee shall receive compensation
 10 at the employee's regular rate of pay for the amount of excess leave
 11 the employee is unable to use. Such compensation shall be paid at
 12 the end of the time period during which the excess leave was
 13 required to have been used;

14 2. From November 1, 2001, the following accrual rates and
 15 accumulation limits apply to eligible employees as follows:

	ACCRUAL RATES			ACCUMULATION
				LIMITS
	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
18	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
19	5-10 yrs	= 18 day/yr	15 days/yr	60 days
20	10-20 yrs	= 20 day/yr	15 days/yr	60 days
21	over 20 yrs	= 25 day/yr	15 days/yr	60 days

1 Following an emergency declaration as described in Section 683.8
2 of Title 63 of the Oklahoma Statutes, the accumulation limits for
3 annual leave shall temporarily increase and shall carryover to the
4 end of the fiscal year following the year in which the emergency
5 declaration ended.

6 All annual leave that accrued or expired during the period of
7 the emergency declarations issued by the Governor in 2020 and 2021
8 in response to the novel coronavirus (COVID-19) shall carry over to
9 the end of the fiscal year following the year in which the emergency
10 declaration ended regardless of regulatory provisions that establish
11 a maximum amount of annual leave that may be accumulated by an
12 employee of the State of Oklahoma. Expired annual leave governed by
13 this subsection shall be reinstated as of the effective date of this
14 act, and accumulation limits for annual leave shall not apply to
15 amounts accrued or reinstated pursuant to this subsection.
16 Eligibility for reinstatement of annual leave is limited to
17 employees currently employed by the State of Oklahoma on the
18 effective date of this act;

19 3. Temporary employees and other limited term employees are
20 ineligible to accrue, use, or be paid for sick leave and annual
21 leave. Such employees shall be eligible for paid holiday leave at
22 the discretion of the appointing authority;

23
24

1 4. Except as provided in paragraph 2 of this subsection,
2 employees shall not be entitled to retroactive accumulation of leave
3 as a result of amendments to this section;

4 5. The Director of the Office of Management and Enterprise
5 ~~Services and the Executive Director of the Oklahoma Merit Protection~~
6 ~~Commission~~ shall ~~cooperate to~~ assist agencies in developing policies
7 to prevent violence in state government workplaces without abridging
8 the rights of state employees. Such ~~policy~~ policies shall include a
9 paid administrative leave provision as a cooling-off period which
10 the Director of the Office of Management and Enterprise Services is
11 authorized to provide pursuant to the Administrative Procedures Act.
12 Such leave shall not be charged to annual or sick leave
13 accumulations;

14 6. State employees who terminated their employment in the state
15 service on or after October 1, 1992, may be eligible to have sick
16 leave accrued at the time of termination of employment restored if
17 they return to state employment provided that the state employees'
18 enter-on-duty dates for reemployment occur on or before two (2)
19 years after their termination of employment and they are eligible to
20 accrue sick leave before the two (2) years expire;

21 7. Employees who are volunteer firefighters pursuant to the
22 Oklahoma Volunteer Firefighters Act and who are called to fight a
23 fire shall not have to use any accrued leave or need to make up any
24 time due to the performance of their volunteer firefighter duties;

1 8. Employees who are reserve municipal police officers pursuant
2 to Section 34-101 of Title 11 of the Oklahoma Statutes and who miss
3 work in performing their duties in cases of emergency shall not have
4 to use any accrued leave or need to make up any time due to the
5 performance of their reserve municipal police officer duties; and

6 9. Employees who are reserve deputy sheriffs pursuant to
7 Section 547 of Title 19 of the Oklahoma Statutes and who miss work
8 in performing their duties in case of emergency shall not have to
9 use any accrued leave or need to make up any time due to the
10 performance of their reserve deputy sheriff duties.

11 B. Nothing in ~~the Oklahoma Personnel Act~~ law is intended to
12 prevent or discourage an appointing authority from disciplining or
13 terminating an employee due to abuse of leave benefits or
14 absenteeism. Appointing authorities are encouraged to consider
15 attendance of employees in making decisions regarding promotions,
16 pay increases, and discipline.

17 C. Upon the transfer of a function in state government to an
18 entity outside state government, employees may, with the agreement
19 of the outside entity, waive any payment for leave accumulations to
20 which the employee is entitled and authorize the transfer of the
21 leave accumulations or a portion thereof to the outside entity.

22 SECTION 20. AMENDATORY 74 O.S. 2021, Section 840-2.21,
23 is amended to read as follows:
24

1 Section 840-2.21 A. If a state employee, ~~whether in the~~
2 ~~classified or unclassified service,~~ is absent because of an illness
3 or injury arising out of and sustained in the course of his or her
4 employment with the state, and for which workers' compensation
5 benefits have been filed, the employing agency shall place the
6 employee on leave without pay if the employee so requests; provided,
7 leave without pay pursuant to this section shall not for any purpose
8 be considered a break in service.

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

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

20 D. An employee on leave without pay pursuant to the provisions
21 of this section shall have the right to be returned to his or her
22 original position in accordance with rules promulgated by the Office
23 of Management and Enterprise Services. If it is found necessary for
24 the good of the state to fill the position during the period the

1 employee is on leave without pay the employee filling the position
2 shall vacate the position upon the return of the employee on leave
3 without pay, subject to layoff, transfer or demotion rights earned
4 under ~~the Oklahoma Personnel Act~~ law and rules of the Office of
5 Management and Enterprise Services. The right to return to the
6 original position shall expire one (1) year from the date of the
7 start of leave without pay. The employee may be separated in
8 accordance with the Oklahoma Personnel Act and Office of Management
9 and Enterprise Services Rules if the employee has not returned to
10 the original position of the employee or some other position within
11 the agency within one (1) year from the date of the start of leave
12 without pay.

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

17 F. If the employee becomes medically able with reasonable
18 accommodation to perform the duties of his or her original position,
19 the employee shall be returned to such position. If the employee is
20 unable to perform the duties of the original position with
21 reasonable accommodation, but is medically able with reasonable
22 accommodation to perform the duties of any other position within the
23 agency for which the employee is qualified, and appointment to such
24 other position does not constitute a promotion, the employee shall

1 have first preference for any such position which becomes vacant
2 within the agency, notwithstanding any other preference provisions
3 ~~of the Oklahoma Personnel Act or~~ of other laws of the State of
4 Oklahoma. An employee accepting another position pursuant to this
5 subsection shall not forfeit his or her right to be returned to the
6 original position within twelve (12) months after the start of leave
7 without pay pursuant to the provisions of subsection D of this
8 section.

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

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

21 I. ~~A classified~~ An employee who is separated pursuant to
22 subsection D of this section shall be eligible for reinstatement to
23 employment with any state agency for twelve (12) months after the
24 date of separation ~~whether in the classified or unclassified service~~

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

17 SECTION 21. AMENDATORY 74 O.S. 2021, Section 840-2.23,
18 is amended to read as follows:

19 Section 840-2.23 A. There is hereby created the state leave
20 sharing program. The purpose of the state leave sharing program is
21 to permit state employees to donate annual or sick leave to a fellow
22 state employee who has exhausted, or will exhaust, all types of paid
23 leave and:
24

1 1. Who is eligible for and requires family leave pursuant to
2 the provisions of the Family and Medical Leave Act ~~of 1993~~, 29
3 U.S.C., 2601 et seq.; or

4 2. Who is suffering from or has a relative or household member
5 suffering from an extraordinary or severe illness, injury,
6 impairment, or physical or mental condition which has caused or is
7 likely to cause the employee to take leave without pay or terminate
8 employment; or

9 3. Immediately after the death of a relative or household
10 member, ; provided that the total leave received for this purpose
11 shall not exceed five (5) days in any calendar year; ~~or~~

12 ~~4. Who is affected by a presidentially declared national
13 disaster in Oklahoma after May 1, 1999, for a period of eighteen
14 (18) months after the date of the presidentially declared national
15 disaster if:~~

16 ~~a. the employee suffered a physical injury as a result of
17 the disaster,~~

18 ~~b. the spouse, relative, or household member of the
19 employee suffered a physical injury or died as a
20 result of the disaster, or~~

21 ~~c. the domicile of the employee or the home of a relative
22 of the employee was damaged or destroyed as a result
23 of the disaster.~~

24 B. As used in this section:

1 1. "Relative of the employee" shall be limited to the spouse,
2 child, stepchild, grandchild, grandparent, stepparent, or parent of
3 the employee;

4 2. "Household members" means those persons who reside in the
5 same home, who have reciprocal duties to and do provide financial
6 support for one another. This term shall include foster children
7 and legal wards even if they do not live in the household. The term
8 does not include persons sharing the same general house, when the
9 living style is primarily that of a dormitory or commune;

10 3. "Severe" or "extraordinary" means extreme or life-
11 threatening;

12 4. "State employee" means ~~a permanent classified~~ an employee or
13 ~~a regular unclassified employee~~ with one (1) year or more continuous
14 service with the state. ~~The term "state employee" does not include~~
15 ~~classified employees in probationary status or unclassified~~
16 ~~employees on temporary or other limited term appointments, except~~
17 ~~that those employees are eligible to receive shared leave as~~
18 ~~provided in paragraph 4 of subsection A of this section and the~~
19 ~~leave with pay authorized by Section 840-2.23A of this title related~~
20 ~~to a presidentially declared national disaster~~ For the purposes of
21 the state leave sharing program, employees that are afforded
22 protections under the Civil Service and Human Capital Modernization
23 Act and administrative rules and exempted employees are eligible to
24 participate; and

1 5. "Terminal" means likely to result in death within two (2)
2 calendar years.

3 C. An employee may be eligible to receive shared leave pursuant
4 to the following conditions:

5 1. The chief administrative officer of the employee determines
6 that the employee meets the criteria described in this section; and

7 2. The employee has abided by state policies regarding the use
8 of leave.

9 D. An employee may not donate annual or sick leave to an
10 eligible employee without the permission of the chief administrative
11 officer of the donating employee's agency.

12 E. An employee may donate annual or sick leave to another
13 employee provided the donation does not cause the annual leave
14 balance of the employee to fall below eighty (80) hours and provided
15 the donation does not cause the sick leave balance of the employee
16 to fall below eighty (80) hours.

17 F. Except as otherwise provided for in this subsection, the
18 chief administrative officer of the employee shall determine the
19 amount of donated leave an employee may receive and may authorize an
20 employee to use up to a maximum of two hundred sixty-one (261) days
21 of donated leave during total state employment. If the employee is
22 suffering from an illness which has been certified in writing by a
23 licensed physician or health care practitioner as being terminal and
24 the employee who either has reached or shall reach in the near

1 future the maximum amount as set out in this subsection, the chief
2 administrative officer of the employee may approve additional
3 donated leave upon written request of the employee.

4 G. The chief administrative officer of the employee shall
5 require the employee to submit, prior to approval or disapproval of
6 shared leave pursuant to paragraph 1 of subsection A of this
7 section, a medical certificate from a licensed physician or health
8 care practitioner verifying the need for the leave and expected
9 duration of the illness, injury, impairment, or physical or mental
10 condition for which the leave is donated.

11 H. Donated annual or sick leave shall be transferable between
12 employees in different state entities. State entities shall allow
13 employees to receive donated annual or sick leave from employees
14 within their employing entity and different state entities;
15 provided, that the employee shall first exhaust all available leave
16 options within the state entity of the employee.

17 I. Donated annual or sick leave is transferable between
18 employees on an hour-to-hour basis irrespective of the hourly wage
19 of the donating or receiving employee.

20 J. Any donated leave may only be used by the recipient for the
21 purposes specified in this section.

22 K. All forms of paid leave available for use by the recipient
23 must be used prior to using donated leave.

24

1 L. Any donated leave not used by the recipient during each
2 occurrence as determined by the chief administrative officer of the
3 employee shall be returned to the donor. The donated leave
4 remaining will be divided among the donors on a prorated basis based
5 on the original donated value and returned at its original donor
6 value and reinstated to the original leave balance of each donor.

7 M. All donated leave must be given voluntarily. No employee
8 shall be coerced, threatened, intimidated, or financially induced
9 into donating annual or sick leave for purposes of the leave sharing
10 program.

11 N. Except as provided by subsection P of this section,
12 employees may not donate annual or sick leave that the donor would
13 not be able to otherwise take.

14 O. The Human Capital Management Division of the Office of
15 Management and Enterprise Services shall designate an employee to
16 serve as the shared leave liaison. If a qualifying employee is
17 unable to obtain the necessary number of donated leave hours from
18 his or her employing entity, he or she may contact the shared leave
19 liaison. The shared leave liaison shall have the following
20 responsibilities:

21 1. To inform all state agencies of the requirements of this
22 section;

23 2. To inform all state employees of the rights afforded under
24 this section;

1 3. To ensure an employee requesting shared leave from other
2 state entities meets the criteria set forth in this section;

3 4. To coordinate outreach efforts within the employing agency
4 and to other state entities to obtain all necessary hours of shared
5 leave for the employee;

6 5. To ensure an employee has exhausted all sources of shared
7 leave both within his or her employing entity and other state
8 entities before requesting leave from the Leave of Last Resort Bank;
9 and

10 6. To coordinate leave requested from the Leave of Last Resort
11 Bank.

12 P. There is hereby created a Leave of Last Resort Bank. In the
13 event a qualifying employee is unable to secure shared leave from
14 employees within his or her employing entity or within a different
15 entity, an employee may request leave from the Leave of Last Resort
16 Bank. The Leave of Last Resort Bank shall be administered by the
17 Human Capital Management Division of the Office of Management and
18 Enterprise Services.

19 1. The Leave of Last Resort Bank shall be funded by voluntary
20 donations of annual and sick leave from employees retiring from or
21 leaving state service.

22 2. Upon retirement or the final day of state service, an
23 employee shall elect, in writing, whether any of his or her annual
24 or sick leave shall be deposited into the Leave of Last Resort Bank.

1 Q. The Office of Management and Enterprise Services shall
2 promulgate rules and regulations as necessary to carry out the
3 provisions of this section.

4 SECTION 22. AMENDATORY 74 O.S. 2021, Section 840-2.25,
5 is amended to read as follows:

6 Section 840-2.25 A. ~~A permanent classified employee or a~~
7 ~~regular unclassified~~ An employee shall be entitled to take leave
8 with pay ~~for~~ not to exceed three (3) days a year to attend meetings
9 of job-related professional organizations of which the employee is a
10 member upon receiving permission from the appointing authority. The
11 denial by an appointing authority or organizational leave shall be
12 in writing and state the reasons for denying said leave.

13 B. The leave authorized by this section shall not be used for
14 lobbying activities which include the lobbying of legislative or
15 executive branch elected officials within state-owned or leased
16 buildings.

17 SECTION 23. AMENDATORY 74 O.S. 2021, Section 840-2.27C,
18 is amended to read as follows:

19 Section 840-2.27C A. At least ~~sixty (60)~~ thirty (30) days
20 before the scheduled beginning of reduction-in-force separations or
21 as otherwise provided by law, the appointing authority shall post in
22 each office of executive branch agencies affected by the proposed
23 reduction-in-force notice that a reduction-in-force will be
24 conducted ~~in accordance with the Oklahoma Personnel Act and Merit~~

1 ~~rules.~~ The reduction-in-force implementation plan shall be provided
2 to the Director of the Office of Management and Enterprise Services
3 and any state employee association representing state employees at
4 such time. The notice shall not be posted unless approved by the
5 cabinet secretary for the agency conducting the reduction-in-force.
6 If there is no incumbent cabinet secretary for the agency, the
7 cabinet-secretary-notice-approval requirement shall not be
8 applicable. If the appointing authority is governed by an elected
9 official, the cabinet-secretary-notice-approval requirement shall
10 not be applicable. The approved notice shall be posted in each
11 office affected by the proposed plan for five (5) days. The
12 appointing authority shall provide a copy of the notice to the
13 Administrator. A reduction-in-force shall not be used as a
14 disciplinary action.

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

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

4 ~~2. Provide for retention of affected employees based on type of~~
5 ~~appointment;~~

6 ~~3. Require the separation of probationary classified affected~~
7 ~~employees in affected job family levels, except those affected~~
8 ~~employees on probationary status after reinstatement from permanent~~
9 ~~classified status without a break in service, prior to the~~
10 ~~separation or displacement of any permanent classified affected~~
11 ~~employee in an affected job family level;~~

12 ~~4. Provide for retention of permanent classified affected~~
13 ~~employees in affected job family levels and those affected employees~~
14 ~~on probationary status after reinstatement from permanent classified~~
15 ~~status without a break in service based upon consideration of years~~
16 ~~of service;~~

17 ~~5. Provide for exercise of displacement opportunities by~~
18 ~~permanent classified affected employees and those affected employees~~
19 ~~on probationary status after reinstatement from permanent classified~~
20 ~~status without a break in service if any displacement opportunities~~
21 ~~exist; and~~

22 6. Provide outplacement assistance and employment counseling
23 from the Oklahoma Employment Security Commission and any other
24 outplacement assistance and employment counseling made available by

1 the agency to affected employees regarding the options available
2 pursuant to the State Government Reduction-in-Force and Severance
3 Benefits Act prior to the date that a reduction-in-force is
4 implemented.

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

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

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

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

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

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

24

1 ~~E. The appointing authority may limit displacement of affected~~
2 ~~employees at the time of a reduction in force. Displacement limits~~
3 ~~shall not be subject to the approval of the Administrator. Any~~
4 ~~limitation shall be based upon reasonable, written, articulated~~
5 ~~criteria as certified by the appointing authority. If displacement~~
6 ~~is limited, the appointing authority shall take action to avoid or~~
7 ~~minimize any adverse impact on minorities or women.~~

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

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

21 ~~3. An affected permanent classified employee may exercise a~~
22 ~~displacement privilege, if one exists, if the affected employee has~~
23 ~~received an overall rating of at least "meets standards", or its~~
24 ~~equivalent, on the most recent annual service rating. If an~~

1 ~~affected employee has not been rated in accordance with the time~~
2 ~~limits established in Section 840-4.17 of this title, the employee~~
3 ~~shall be deemed to have received an overall rating of at least~~
4 ~~"meets standards" or its equivalent on the most recent service~~
5 ~~rating.~~

6 ~~4. An affected employee who exercises a displacement privilege~~
7 ~~pursuant to this section shall:~~

8 ~~a. be required, as a condition of continued employment by~~
9 ~~the agency, to sign an agreement, in a form to be~~
10 ~~prescribed by the Director of the Office of Management~~
11 ~~and Enterprise Services, acknowledging that the~~
12 ~~employee had an opportunity to receive severance~~
13 ~~benefits and affirmatively elected to exercise a~~
14 ~~displacement privilege and to forego such benefits.~~

15 ~~An affected employee who signs the agreement required~~
16 ~~by this subparagraph waives any privilege which might~~
17 ~~otherwise have been available to the affected employee~~
18 ~~pursuant to the agreement for the provision of~~
19 ~~severance benefits, and~~

20 ~~b. not have the right to exercise any subsequent right to~~
21 ~~receive severance benefits from the agency for which~~
22 ~~the affected employee performs services on the date~~
23 ~~that the employee exercises a displacement privilege.~~

24 ~~The provisions of this section shall not prohibit any~~

1 ~~person from exercising a displacement privilege in, or~~
2 ~~accepting severance benefits from, more than one~~
3 ~~agency during employment with the State of Oklahoma or~~
4 ~~from the agency which the affected employee exercised~~
5 ~~a displacement privilege in any future reduction in-~~
6 ~~force.~~

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

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

1 ~~removal from the job family level, whichever is first, this right to~~
2 ~~be recalled shall expire.~~

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

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

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

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

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

23 ~~L.~~ F. All agencies directed by the Contingency Review Board to
24 terminate or furlough employees, shall report the cumulative cost

1 savings achieved by the reductions-in-force or furloughs to the
2 Governor, President Pro Tempore of the Senate and Speaker of the
3 House of Representatives on a quarterly basis for one (1) year
4 following the effective date of the action.

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

16 SECTION 24. AMENDATORY 74 O.S. 2021, Section 840-2.27D,
17 is amended to read as follows:

18 Section 840-2.27D A. Agencies shall provide severance benefits
19 to affected employees who are separated from the state service as a
20 result of a reduction-in-force due to a reorganization or any other
21 action by an agency which results in affected positions being
22 abolished and affected employees being severed from the state
23 service. Severance benefits shall be given to ~~the following~~
24 ~~categories of affected employees:~~ permanent ~~classified~~ affected

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

- 21 1. All agency severance benefits shall provide the following:
 - 22 a. payment equal to the affected employee's current
 - 23 health insurance premium for the affected employee
 - 24 only for eighteen (18) months based on the cost of the

1 premium at the time of the reduction-in-force. The
2 appointing authority of the agency can ask the
3 Director of the Office of Management and Enterprise
4 Services to waive the severance benefit provision in
5 this subparagraph or to reduce the length of coverage
6 or subsequent severance benefit payment upon
7 demonstration of the agency's inability to fund the
8 full benefit,

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

20 c. outplacement assistance and employment counseling
21 prior to and after the reduction-in-force from the
22 Oklahoma Employment Security Commission and other
23 state or private entities that the entity may contract
24

1 with to assist individuals who may be impacted by a
2 reduction-in-force; and

3 2. In addition to the severance benefits provided by paragraph
4 1 of this subsection, agencies may give affected employees, ~~except~~
5 ~~as otherwise provided by paragraph 3 of this subsection,~~ severance
6 benefit packages based on ~~any combination of~~ the following options, ~~;~~
7 provided that all affected employees ~~who receive severance benefits~~
8 ~~in the reduction-in-force shall be~~ are accorded uniform treatment
9 ~~pursuant to the State Government Reduction-in-Force and Severance~~
10 ~~Benefits Act:~~

- 11 a. up to one (1) week of pay, calculated by dividing the
12 affected employee's current annual salary by the whole
13 number fifty-two (52), for each year of service,
- 14 b. a ~~maximum~~ lump-sum payment of Five Thousand Dollars
15 (\$5,000.00), and
- 16 c. payment for accumulated sick leave or extended illness
17 benefits at up to one-half (1/2) of the affected
18 employee's hourly rate not otherwise used pursuant to
19 law for conversion to credited retirement credit; ~~and~~

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

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

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

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

21 c. ~~no voucher issued pursuant to the provisions of this~~
22 ~~paragraph shall:~~

23 (1) ~~be redeemed by the affected employee for cash or~~
24 ~~anything of value other than the cost of tuition~~

1 ~~and fees at a public or private educational~~
2 ~~institution within the State of Oklahoma, or~~
3 ~~(2) be valid longer than a period of four (4) years~~
4 ~~from the date upon which the voucher is issued to~~
5 ~~the affected employee,~~

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

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

19 ~~B. Each affected employee who is separated from state service~~
20 ~~as a result of a reduction in force after July 1, 1998, besides~~
21 ~~being eligible for the eighteen (18) months of continuation~~
22 ~~coverages provided by the Public Health Service Act, 42 U.S.C.,~~
23 ~~Section 30066-1 et seq., i.e., health, dental, vision and healthcare~~
24 ~~reimbursement account options, under this severance benefit, shall~~

1 ~~also be eligible to elect additional continuation coverage for any~~
2 ~~life insurance, in twenty thousand dollar units, on self or five-~~
3 ~~thousand dollar units, on dependents, and to continue participation~~
4 ~~in the dependent care reimbursement account provided that these~~
5 ~~additional coverages were in effect immediately prior to the~~
6 ~~effective date of the reduction-in-force, the date of which shall~~
7 ~~serve as the qualifying event date. Provided, that no coverage~~
8 ~~elected for continuation through the Public Health Service Act for~~
9 ~~the full eighteen-month period is allowed to lapse, then that~~
10 ~~affected employee may elect to continue those same coverages for an~~
11 ~~additional eighteen (18) months at whatever rate is then in effect.~~
12 ~~This additional eighteen-month continuation period of coverage shall~~
13 ~~be administered by the Oklahoma State Employees Benefits Council~~
14 ~~following the initial eighteen-month period of continuation which~~
15 ~~shall be administered by the COBRA office at the State and Education~~
16 ~~Employees Group Insurance Board.~~

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

23
24

1 ~~D. No appointing authority shall grant affected employees in a~~
2 ~~reduction-in-force severance benefits except as provided in this~~
3 ~~section.~~

4 SECTION 25. AMENDATORY 74 O.S. 2021, Section 840-2.28,
5 is amended to read as follows:

6 Section 840-2.28 A. Agencies shall be authorized to provide
7 voluntary out benefits to ~~permanent classified employees and regular~~
8 ~~unclassified employees~~ who are afforded the protections under the
9 Civil Service and Human Capital Modernization Act and rules
10 promulgated thereunder with one (1) year or more of continuous state
11 service who are voluntarily separated from the state service in
12 order to reduce or eliminate the adverse impact of an imminent
13 reduction-in-force. For purposes of this section, "agency" or
14 "agencies" shall include agencies, boards, commissions, or
15 departments of all three branches of state government. Agencies
16 shall also be allowed to provide the severance benefits to
17 separating employees not subject to the Civil Service and Human
18 Capital Modernization Act and rules promulgated thereunder and whose
19 position is not subject to an imminent reduction-in-force in
20 exchange for executing a release of all claims against the agency
21 and the State of Oklahoma as required by Section 840-2.27E of this
22 title. Voluntary out benefit payments made pursuant to this
23 section, in addition to the payment of any compensable accrued leave
24 and other benefits an employee who voluntarily separates is eligible

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 and any state employee association representing
20 state employees at such time, prior to offering voluntary out
21 benefits pursuant to this section, a plan with details on why the
22 agency has determined a reduction-in-force is imminent, the
23 anticipated impact of the imminent reduction-in-force on the agency
24 or part of the agency, the voluntary out benefits the agency intends

1 to offer pursuant to this section and their cost, and how the agency
2 intends to execute the offer of the voluntary out benefits. The
3 Director shall review the fiscal components of the plan and have ten
4 (10) business days to disapprove it.

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

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

14 SECTION 26. AMENDATORY 74 O.S. 2021, Section 840-4.19,
15 is amended to read as follows:

16 Section 840-4.19 A state agency shall have sole and final
17 authority to designate the place or places where its employees shall
18 perform their duties except where the action was for disciplinary
19 reasons. Such punitive transfers shall be subject to the Civil
20 Service and Human Capital Modernization Act. ~~The Oklahoma Merit~~
21 ~~Protection Commission shall not have jurisdiction to accept an~~
22 ~~appeal of an employee resulting from the employing agency transfer~~
23 ~~of an employee from one county or locality to another, changing the~~
24 ~~assigned duties of an employee, or relieving the employee from~~

1 ~~performance of duty at a particular place and reassigning to an~~
2 ~~employee duties to be performed at another place, unless an employee~~
3 ~~asserts that:~~

4 ~~1. The action resulted in a change in job classification or~~
5 ~~reduction of the base salary of the employee;~~

6 ~~2. A violation of the provisions of Section 840-2.5 or 840-2.9~~
7 ~~of this title may have occurred; or~~

8 ~~3. The action was taken clearly for disciplinary reasons and to~~
9 ~~deny the employee the right of appeal.~~

10 SECTION 27. AMENDATORY 74 O.S. 2021, Section 840-5.3, is
11 amended to read as follows:

12 Section 840-5.3 A. The following offices, positions and
13 personnel shall not be considered state employees except as
14 otherwise provided by law:

15 1. Patient and inmate help in the state charitable, mental and
16 correctional institutions;

17 2. Persons engaged in public work for the state, but employed
18 by contractors when the performance of such contract is authorized
19 by the Legislature or other competent authority;

20 3. All employees of all public school districts; and

21 4. Officers and members of the Oklahoma National Guard, as
22 such.

23 B. ~~1. Instructional and administrative personnel, except for~~
24 ~~superintendents, of the State Department of Rehabilitation Services~~

1 ~~at the Oklahoma School for the Blind and the Oklahoma School for the~~
2 ~~Deaf pursuant to Section 1419 of Title 10 of the Oklahoma Statutes~~
3 ~~shall be considered state employees, except they shall not be~~
4 ~~considered state employees for the purposes of the Oklahoma~~
5 ~~Personnel Act, unless otherwise provided by law. However, the~~
6 ~~Office of Management and Enterprise Services may categorize such~~
7 ~~employees as unclassified solely for the purpose of entering and~~
8 ~~maintaining employment data in the state Personnel Management~~
9 ~~Information System established pursuant to Section 840-2.13 of this~~
10 ~~title.~~

11 ~~2.~~ The superintendents and teachers at the Oklahoma School for
12 the Blind and the Oklahoma School for the Deaf shall be state
13 employees ~~in the unclassified service~~, subject to the Oklahoma
14 ~~Personnel Act~~ Civil Service and Human Capital Modernization Act.

15 SECTION 28. AMENDATORY 74 O.S. 2021, Section 840-7.1, is
16 amended to read as follows:

17 Section 840-7.1 A. A state agency may enter into a contract
18 with any federally recognized tribe or Indian Nation for the purpose
19 of leasing one or more of its employees as follows:

20 1. The Indian Tribe or Nation has purchased real property from
21 the state; and

22 2. The employee or employees were employed by the agency at the
23 site of the purchased real property.

24

1 B. The Indian Tribe or Nation shall pay to the agency in a
2 manner specified in the contract an amount equal to the salary,
3 employer retirement contributions and flexible benefit allowance
4 attributed to such leased employee or employees and any other
5 expenses as agreed by the parties in the contract.

6 ~~C. Leased employees pursuant to this section shall not lose any~~
7 ~~rights or benefits of being a state employee and shall retain their~~
8 ~~classification status.~~

9 SECTION 29. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 311.2 of Title 75, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Civil Service Director of the Office of Management and
13 Enterprise Services may delegate the authority to issue a final
14 agency order adverse to a party to an agency administrative law
15 judge if:

16 1. The administrative law judge has a general knowledge of the
17 Civil Service and Human Capital Modernization Act, the Oklahoma
18 Personnel Act, and rules promulgated thereto;

19 2. The administrative law judge:

20 a. is currently licensed to practice law by the Supreme
21 Court of this state,

22 b. has a working knowledge of the Administrative
23 Procedures Act and administrative rules of the Office
24 of Management and Enterprise Services,

1 c. is not an owner, stockholder, employee or officer of,
2 nor has any other business relationship with, any
3 corporation, partnership, or other business or entity
4 that is subject to regulation by the Office of
5 Management and Enterprise Services,

6 d. is separate and apart from the legal division or
7 office of general counsel of the Office of Management
8 and Enterprise Services,

9 e. is not responsible to or subject to the supervision or
10 direction of an employee or agent engaged in the
11 performance of investigative or prosecuting functions
12 for the Office of Management and Enterprise Services,
13 and

14 f. has not been engaged in the performance of
15 investigative or prosecuting functions for the Office
16 of Management and Enterprise Services regarding the
17 party receiving the final agency order; and

18 3. The Civil Service Director in delegating the authority to
19 issue final agency orders adverse to a party pursuant to this
20 section specifically designates by written agency policy and
21 procedure the type or category of final agency order which may be
22 issued by the administrative law judge.

23 B. The provisions of this section shall not be construed to
24 authorize or allow restraints on the authority of the Civil Service

1 Director to adopt, reject, review, modify, or correct the findings
2 of fact and conclusions of law or any proposed order issued by the
3 administrative law judge.

4 C. When the administrative law judge issues a final agency
5 order, that order becomes the final order of the Office of
6 Management and Enterprise Services, Civil Service Division without
7 further proceeding unless there is a request for rehearing,
8 reopening, or reconsideration pursuant to Section 317 of Title 75 of
9 the Oklahoma Statutes or a filing for judicial review pursuant to
10 Section 318 of Title 75 of the Oklahoma Statutes.

11 SECTION 30. REPEALER 74 O.S. 2021, Sections 840-1.2,
12 840-1.6B, 840-1.8, 840-1.9, 840-1.10, 840-1.12, 840-1.13, 840-1.15,
13 840-1.19, 840-1.21, 840-2.5, 840-2.6, 840-2.27A, 840-2.27B, 840-
14 2.27F, 840-2.27G, 840-2.27I, 840-2.29, 840-3.2, 840-3.4, 840-3.5,
15 840-3.6, 840-3.7, 840-3.9, 840-3.10, 840-3.11, 840-3.12, 840-3.13,
16 840-3.14, 840-3.15, 840-3.16, 840-3.17, 840-4.1, 840-4.2, 840-4.3,
17 840-4.4, 840-4.6, 840-4.8, 840-4.9, 840-4.10, 840-4.11, 840-4.12,
18 840-4.13, 840-4.14, 840-4.15, 840-4.16, 840-5.1, 840-5.1A, 840-5.2,
19 840-5.2A, 840-5.2B, 840-5.4, 840-5.5, 840-5.6, 840-5.7, 840-5.8,
20 840-5.9, 840-5.11, 840-5.12, 840-5.13, 840-5.13A, 840-5.15, 840-
21 5.16, 840-5.18, 840-5.19, 840-5.20, 840-5.21, 840-5.23, 840-5.24,
22 840-5.25, 840-5.26, 840-5.27, 840-6.1, 840-6.2, 840-6.3, 840-6.4,
23 840-6.5, 840-6.6, 840-6.7, 840-6.8 and 840-6.9, are hereby repealed.

24

1 SECTION 31. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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