

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                   1st Extraordinary Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1056

By: McCall, Wallace and Casey  
of the House

and

Schulz, David and Fields of  
the Senate

11                               COMMITTEE SUBSTITUTE

12           An Act relating to state employee compensation;  
13           providing for increase; specifying amount of  
14           increase; providing for effective date of increase;  
15           defining terms; providing for applicability of  
16           increase; providing for effect of leave without pay  
17           status; providing for effects of departure from state  
18           service and reinstatement or reemployment; defining  
19           term; providing for classes of persons ineligible for  
20           salary increase; imposing limitation on effect of  
21           salary increase; prohibiting expenditure of funds by  
22           certain public employing entities; providing  
23           exceptions; providing for contingent effect based  
24           upon enactment of Enrolled House Bill No. 1054 of the  
          1st Extraordinary Session of the 56th Oklahoma  
          Legislature; and providing for noncodification.

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

SECTION 1.       NEW LAW       A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

1       A. Effective August 1, 2018, all full-time and part-time  
2 officers and employees, including temporary and other limited-term  
3 employees, of the state who were employed by the state on the last  
4 working day of July 2018, shall be awarded an annualized salary  
5 increase equal to One Thousand Dollars (\$1,000.00).

6       B. As used in this section, "temporary and other limited-term  
7 employees" are those persons who:

- 8           1. Are not full-time or permanent employees;
- 9           2. Are not otherwise excluded by this section; and
- 10          3. Are compensated by an agency, board, commission or  
11 department or other employing entity for a limited duration and  
12 without any subjective expectation by either the employer or the  
13 employee that the employment will become permanent.

14       C. Except for those personnel specifically excluded from  
15 eligibility for any increase or advancement in salary pursuant to  
16 this section, the salary increase provided by this section shall be  
17 applicable to:

- 18           1. Employees of county health departments;
- 19           2. Employees of a conservation district; and
- 20           3. Employees of the George Nigh Rehabilitation Institute.

21       D. Employees eligible for the increase provided for in  
22 subsection A of this section who are on leave without pay on August  
23 1, 2018, shall receive an annualized increase, effective upon their  
24

1 return to work, but shall not receive any increase for a period of  
2 time prior to their return to work.

3 E. Employees who leave the state service before August 1, 2018,  
4 and who are reinstated or reemployed in the state service during  
5 August 2018, without a break in service, who are otherwise eligible  
6 for the pay increase provided for in this section, shall be granted  
7 such raise effective immediately upon such reinstatement or  
8 reemployment. As used in this subsection, "break in service" is  
9 defined as a period of time in excess of thirty (30) calendar days  
10 between two periods of state employment.

11 F. The following officers and employees shall be ineligible for  
12 a pay increase pursuant to this section and nothing, except as  
13 otherwise provided by Section 840-2.17 of Title 74 of the Oklahoma  
14 Statutes, shall be construed to authorize any increase or  
15 advancement of the salaries of:

- 16 1. Any elected official;
- 17 2. Any cabinet secretary whose salary is governed by Section  
18 10.5 of Title 74 of the Oklahoma Statutes;
- 19 3. Any agency director;
- 20 4. Any justice or judge whose salary is governed by the  
21 provisions of Title 85A of the Oklahoma Statutes or whose  
22 compensation is set by the Board on Judicial Compensation pursuant  
23 to Section 3.4 of Title 20 of the Oklahoma Statutes;

1        5. Any district attorney whose salary is governed by Section  
2 215.30 of Title 19 of the Oklahoma Statutes;

3        6. Officers and employees of institutions under the  
4 administrative authority of the Oklahoma State Regents for Higher  
5 Education, except for officers and employees of the George Nigh  
6 Rehabilitation Institute;

7        7. Persons employed pursuant to Section 2241 of Title 74 of the  
8 Oklahoma Statutes;

9        8. Persons employed pursuant to Section 1.6a of Title 53 of the  
10 Oklahoma Statutes;

11       9. Persons who are employed or under contract pursuant to  
12 subsection B of Section 1419 of Title 10 of the Oklahoma Statutes;

13       10. The Adjutant General and Assistant Adjutants General  
14 pursuant to Section 27 of Title 44 of the Oklahoma Statutes; and

15       11. Employees in those positions listed in the salary schedules  
16 in subsection F of Section 2-106 of Title 47 of the Oklahoma  
17 Statutes, Section 935 of Title 63 of the Oklahoma Statutes, and  
18 Section 150.6a of Title 74 of the Oklahoma Statutes.

19       G. No salary increase pursuant to this section shall be made  
20 that exceeds a salary limitation provided in an agency's annual  
21 appropriation bill or salary limits set by statute. Classified  
22 employees eligible for the salary increase provided for in this  
23 section shall receive such increase even though it causes the  
24 employee's salary to exceed the maximum for the employee's pay band.

1       SECTION 2.       NEW LAW       A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3       No funds appropriated for the purpose of implementing the pay  
4 increase provided in Section 1 of this act shall be expended by any  
5 employing public agency, board, commission or other public employing  
6 entity in order to increase compensation for persons employed by a  
7 private business entity that has entered into a contract with the  
8 public employing entity to provide personnel services or temporary  
9 services to the public employing entity in order for the public  
10 employing entity to perform duties imposed upon it by law or  
11 functions which the public employing entity is authorized to perform  
12 by law. The provisions of this section shall not be construed to  
13 prohibit increases in compensation to a vendor performing other  
14 types of services pursuant to a sole source contract or contract  
15 awarded pursuant to The Oklahoma Central Purchasing Act.

16       SECTION 3. The provisions of this act shall be contingent upon  
17 the enactment of the provisions of Enrolled House Bill No. 1054 of  
18 the 1st Extraordinary Session of the 56th Oklahoma Legislature and  
19 shall not become operative as law otherwise.  
20

21 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS  
22 AND BUDGET, dated 11/07/2017 - DO PASS, As Amended and Coauthored.  
23  
24