

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 3094

By: Osburn

COMMITTEE SUBSTITUTE

An Act relating to state employees; creating the Civil Service and Human Capital Modernization Act; creating the Human Capital Management Administration (HCMA); providing for review of certain claims; providing for filing of claim by certain time; providing for filing and processing of certain applications; authorizing promulgation of rules and policies; defining term; providing exception; placing new hire and existing state employee positions under the HCMA on certain date; authorizing option to retain certain position; authorizing option to change employment status; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 34.301 of Title 62, unless there is created a duplication in numbering, reads as follows:

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

1 B. There is hereby created the Human Capital Management
2 Administration (HCMA) as a division of the Office of Management and
3 Enterprise Services. The HCMA shall:

4 1. Receive and only act on complaints arising from disciplinary
5 actions by state employees described in Section 2 of this act;

6 2. Establish an application process for consideration of
7 complaints before an administrative law judge hired by the HCMA as
8 an independent contractor;

9 3. Establish and maintain a statewide Alternative Dispute
10 Resolution Program to provide dispute resolution services for state
11 agencies and employees. Actions agreed to through the Alternative
12 Dispute Resolution Program provided by the HCMA shall be consistent
13 with applicable laws and rules and shall not alter, reduce or modify
14 any existing right or authority as provided by statute or rule;

15 4. Establish rules pursuant to the Administrative Procedures
16 Act as may be necessary to perform the duties and functions of the
17 HCMA;

18 5. Submit quarterly, fiscal year reports on workload statistics
19 to the Governor, the Speaker of the House of Representatives and the
20 President Pro Tempore of the Senate containing the following
21 information:

- 22 a. the number of cases, complaints, and requests for
23 hearings filed, disposed of and pending with the HCMA
24 for each month of the quarter, and

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

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

5 C. Complaints shall be filed with the HCMA within five (5)
6 business days of the date of when such action occurred and hearings
7 shall take place within twenty (20) business days of the action.

8 D. Employees filing a complaint to be heard before an
9 administrative law judge shall show the action was the result of
10 disciplinary actions by the state agency.

11 E. Claimants shall be permitted to secure and utilize
12 representation during the review and hearing processes.

13 F. The HCMA is authorized to hire administrative law judges as
14 independent contractors to exercise the provisions of this act.

15 G. For purposes of this section, "disciplinary actions" means
16 termination, suspension, demotion, forced or politically motivated
17 transfers, or other actions resulting in loss of pay or benefits.

18 H. Nothing in this section shall apply to persons appointed by
19 the Governor, Speaker of the House of Representatives or President
20 Pro Tempore of the Senate.

21 SECTION 2. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 840-10.1 of Title 74, unless
23 there is created a duplication in numbering, reads as follows:
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1 A. Effective January 1, 2021, all new hire state employee
2 positions and all unclassified state employee positions shall be
3 administered by the Human Capital Management Administration (HCMA).

4 B. Any classified employee who is serving in a classified
5 position shall have the option of retaining his or her classified
6 status. Any employee who elects to change from classified service
7 to the HCMA shall so indicate in writing. If the employee chooses
8 to remain in the classified service, the position occupied by the
9 employee shall remain in the classified service until the employee
10 either vacates the position or elects to be under the HCMA. All
11 future appointments or employment to such positions shall be in the
12 HCMA.

13 SECTION 3. This act shall become effective January 1, 2021.

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