

1 ENGROSSED HOUSE
2 BILL NO. 3094

By: Osburn of the House
and
Treat of the Senate

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7 [state employees - creating the Civil Service and
8 Human Capital Modernization Act - creating the
9 Human Capital Management Administration (HCMA) -
10 effective date]

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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".

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

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

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

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

10 4. Establish rules pursuant to the Administrative Procedures
11 Act as may be necessary to perform the duties and functions of the
12 HCMA;

13 5. Submit quarterly, fiscal year reports on workload statistics
14 to the Governor, the Speaker of the House of Representatives and the
15 President Pro Tempore of the Senate containing the following
16 information:

- 17 a. the number of cases, complaints, and requests for
18 hearings filed, disposed of and pending with the HCMA
19 for each month of the quarter, and
- 20 b. a numerical breakdown of the methods of disposition of
21 such cases, complaints, and requests for hearing.

22 Quarterly reports shall be submitted within thirty (30) days
23 following the last day of the month of the appropriate quarter.
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1 C. Complaints shall be filed with the HCMA within five (5)
2 business days of the date of when such action occurred and hearings
3 shall take place within twenty (20) business days of the action.

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

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

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

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

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

17 SECTION 2. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 840-10.1 of Title 74, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Effective January 1, 2021, all new hire state employee
21 positions and all unclassified state employee positions shall be
22 administered by the Human Capital Management Administration (HCMA).

23 B. Any classified employee who is serving in a classified
24 position shall have the option of retaining his or her classified

1 status. Any employee who elects to change from classified service
2 to the HCMA shall so indicate in writing. If the employee chooses
3 to remain in the classified service, the position occupied by the
4 employee shall remain in the classified service until the employee
5 either vacates the position or elects to be under the HCMA. All
6 future appointments or employment to such positions shall be in the
7 HCMA.

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

9 Passed the House of Representatives the 10th day of March, 2020.

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12 Presiding Officer of the House
of Representatives

13 Passed the Senate the ___ day of _____, 2020.

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Presiding Officer of the Senate