

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 4058

By: McCall

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8                               COMMITTEE SUBSTITUTE

9           An Act relating to labor; amending 40 O.S. 2011,  
10       Sections 4-102 and 4-108, which relate to Oklahoma  
11       Employment Security Commission; modifying appointment  
12       of members to the Commission; modifying appointment  
13       of Executive Director; modifying determination of  
14       compensation for the Director; authorizing the  
15       Legislature to remove Director from office;  
16       specifying vote required for removal;  
17       and providing an effective date.

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

SECTION 1.           AMENDATORY           40 O.S. 2011, Section 4-102, is  
amended to read as follows:

Section 4-102. COMPOSITION. There is hereby created a  
Commission to be known as the Oklahoma Employment Security  
Commission. The Commission shall consist of the following five (5)  
~~members, appointed by the Governor, by and with the consent of the~~  
~~Oklahoma State Senate, two of whom shall represent employers, two~~  
~~shall represent employees, and one shall represent the public. The~~

1 ~~representative of the public shall be the Chairman of the~~  
2 ~~Commission. New appointments shall be made within ninety (90) days~~  
3 ~~after any vacancy occurs in the membership.:~~

4 1. Three members appointed by the Governor;

5 2. One member appointed by the Speaker of the House of  
6 Representatives; and

7 3. One member appointed by the President Pro Tempore of the  
8 Senate.

9 Each member shall serve at the pleasure of his or her appointing  
10 authority and may be removed or replaced without cause. Any member  
11 of the Commission shall be prohibited from voting on any issue in  
12 which the member has a direct financial interest. The Executive  
13 Director shall be an ex officio member of the Commission, but shall  
14 be entitled to vote only in case of a tie vote.

15 SECTION 2. AMENDATORY 40 O.S. 2011, Section 4-108, is  
16 amended to read as follows:

17 Section 4-108. EXECUTIVE DIRECTOR.

18 A. The chief executive officer of the Commission shall be the  
19 Executive Director who shall be appointed by and serve at the  
20 pleasure of the ~~Commission~~ Governor with the advice and consent of  
21 the Senate. The Executive Director may be removed or replaced  
22 without cause. Compensation for the Executive Director shall be  
23 determined by the Governor. The Executive Director may be removed  
24 from office by a two-thirds (2/3) vote of the members elected to and

1 constituting each chamber of the Legislature. The Executive  
2 Director shall have such compensation and further duties as the  
3 Commission may establish. The Executive Director may appoint in the  
4 unclassified service a Deputy Director and an Associate Director,  
5 and shall fix the qualifications and duties of such position. The  
6 Executive Director may also appoint in the unclassified service  
7 secretaries to the Executive Director, Deputy Director, and  
8 Associate Director.

9 B. If a person has acquired grade, rank and career status under  
10 the merit system of personnel administration within the Oklahoma  
11 Employment Security Commission before being appointed as Executive  
12 Director, Deputy Director, Associate Director, or unclassified  
13 secretary, that person shall:

14 1. Upon termination from the unclassified position, have the  
15 right to be reinstated to the position within the Oklahoma  
16 Employment Security Commission which was held prior to such  
17 appointment, or to an equivalent position, unless the person was  
18 terminated for a reason that would justify termination of a  
19 classified employee or disqualify the person for reinstatement under  
20 the Oklahoma Personnel Act or the rules implementing it; and

21 2. Be entitled during the unclassified appointment to continue  
22 to participate without interruption in any fringe benefit programs  
23 available to career employees including, but not limited to,  
24 retirement and insurance programs.

SECTION 3. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2020 - DO PASS,  
As Amended.