

1 **SENATE FLOOR VERSION**

2 February 26, 2020

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1879

By: Treat

6
7 An Act relating to state employees; creating the
8 Human Capital Management Administration (HCMA);
9 providing for review of certain claims; providing for
10 filing of claim by certain time; providing for filing
11 and processing of certain applications; authorizing
12 promulgation of rules and policies; placing new hire
13 state employee positions under the HCMA on certain
14 date; authorizing option to retain certain position;
15 authorizing option to change employment status;
16 providing for codification; and providing an
17 effective date.

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

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

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

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

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

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

17 a. the number of cases, complaints, and requests for
18 hearing 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.
24

1 B. 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 C. 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 D. Claimants shall be permitted to secure and utilize
8 representation during the review and hearing processes.

9 E. The HCMA is authorized to hire administrative law judges to
10 exercise the provisions of this act.

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

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

20 B. Any classified employee who is serving in a classified
21 position shall have the option of retaining his or her classified
22 status. Any employee who elects to change from classified service
23 to unclassified service administered by the HCMA shall so indicate
24 in writing. If the employee chooses to remain in the classified

1 service, the position occupied by the employee shall remain in the
2 classified service until the employee either vacates the position or
3 elects to be unclassified under the HCMA. All future appointments
4 or employment to such positions shall be unclassified and in the
5 HCMA.

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

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
8 February 26, 2020 - DO PASS AS AMENDED
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