

**BILL SUMMARY**  
2<sup>nd</sup> Session of the 58<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>HB 3420</b>
<b>Version:</b>	<b>FA1</b>
<b>Request Number:</b>	<b>11066</b>
<b>Author:</b>	<b>Rep. Osburn</b>
<b>Date:</b>	<b>3/21/2022</b>
<b>Impact:</b>	<b>OMES:</b>

**No Measurable Fiscal Impact**

**Research Analysis**

The floor substitute for HB 3420 updates numerous provisions of the Civil Service and Human Capital Modernization Act building on reforms enacted last session in HB 1146. Significant provisions include:

- Designating the Office of the Attorney General as the legal counsel for the Civil Service Division within the Office of Management and Enterprise Services (OMES), the provider of administrative law judges for act administration and the investigator and prosecutor for whistleblower claims;
- Allowing the Civil Service Division to employ attorneys or contract with private attorneys to serve as legal counsel to the Division;
- Modifying guidelines for the State Employee Dispute Resolution Program in certain areas such as timelines, applicability and mediation;
- Adding temporary employees, seasonal employees and those employed in trial periods to the list of employees exempt from the act;
- Abolishing the Oklahoma Merit Protection Commission and transferring all authority, duties, and assets associated with the commission to OMES;
- Updating guidelines related to the State Government Reduction-in-Force and Severance Benefits Act in certain areas such as the implementation plan and the provisions and framework of severance benefits packages;
- Exempting certain employees of the Department of Commerce from provisions of the Civil Service and Human Capital Management Act and requiring compensation comparable to similar positions in the private sector;
- Allowing the Civil Service Director of OMES to delegate authority to issue a final agency order to an agency administrative law judge and provides guidelines for the administrative law judge to follow; and
- Repeals numerous provision within the Oklahoma Personnel Act, contained in [Title 74, Section 840](#) et al. Repealed sections include: 1.2, 1.6B, 1.8-1.10, 1.12-1.13, 1.15, 1.19, 1.21, 2.5-2.6, 2.27A-2.27B, 2.27F-2.27G, 2.27I, 2.29, 3.2, 3.4-3.7, 3.9-3.17, 4.1-4.4, 4.6, 4.8-4.16, 5.1-5.2B, 5.4-5.9, 5.11-5.13A, 5.15-5.16, 5.18-5.21, 5.23-5.27, and 6.1-6.9.

Prepared By: Keana Swadley

**Fiscal Analysis**

The Office of Management and Enterprise Services (OMES) indicates there are no significant fiscal considerations associated with the measure.

The transitioning of funding from the Merit Protection Commission (MPC) to the Civil Service Division, however provision is made for which "any funds appropriated to, in the possession of, or allocated to the (Merit Protection) Commission shall be deemed to be the funds of the Office of Management and Enterprise Services (OMES)".

Prepared By: Mark Tygret

### **Other Considerations**

OMES officials anticipate the operational efficiencies associated with the measure may shorten claim processing time.