

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2315

By: Lawson

4  
5  
6 AS INTRODUCED

7 An Act relating to the Department of Human Services;  
8 amending 56 O.S. 2011, Section 26.17, as last amended  
9 by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.  
10 2020, Section 26.17), which relates to the  
11 classification of employees; modifying the  
12 classification of certain employees; providing for  
13 election to remain classified; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, as  
17 last amended by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.  
18 2020, Section 26.17), is amended to read as follows:

19 Section 26.17 A. The Director of Human Services shall have the  
20 power to employ and fix the qualifications, duties, and compensation  
21 of employees necessary to the fulfillment of the duties of the  
22 Department of Human Services as provided by law and shall have the  
23 power to approve any legal claim for payment.

24 B. The Department of Human Services shall be a Merit System  
agency. The provisions of this section shall supersede and revoke  
any and all Executive Orders placing the Department of Human

1 Services or its predecessors under the provisions of the Merit  
2 System of Personnel Administration.

3 C. In addition to offices, positions, and personnel in the  
4 unclassified service pursuant to Sections 840-5.3 and 840-5.5 of  
5 Title 74 of the Oklahoma Statutes, the following offices, positions,  
6 and personnel shall be in the unclassified service:

7 ~~1. Campus police appointed pursuant to Section 162.2 of this~~  
8 ~~title;~~

9 ~~2. The legal division or unit established pursuant to Section~~  
10 ~~236 of this title;~~

11 ~~3. 2.~~ The Construction Unit and the Architectural and  
12 Engineering Unit or their successor units; and

13 3. All positions not subject to merit protections as conditions  
14 of participation in any federal program administered by the  
15 Department of Human Services.

16 ~~4. A maximum of ten percent (10%) of the maximum number of~~  
17 ~~full-time equivalent positions authorized by law to the Department~~  
18 ~~of Human Services and selected at the discretion of the Director of~~  
19 ~~the Department of Human Services. D.~~ Employees retained in the

20 unclassified service under the provisions of this section shall be  
21 employees at will. Any classified employee occupying a position  
22 selected by the Director pursuant to this paragraph to become an  
23 unclassified position may elect to retain classified status. All  
24 future appointees to such position shall be in the unclassified

1 service. In accordance with existing law, any classified employee  
2 who is serving in a position on the effective date of the removal of  
3 the position from classified service and placement into the  
4 unclassified service shall have the option of retaining the  
5 employee's classified status. If the employee chooses to remain in  
6 the classified service, the position occupied by the employee shall  
7 remain in the classified service until the employee either vacates  
8 the position or elects unclassified status in writing. All future  
9 appointees to such positions shall be in the unclassified service.  
10 The Director shall submit a list of such positions to the Office of  
11 Management and Enterprise Services by September 1, 2004, and  
12 annually thereafter.

13 ~~D.~~ E. All other offices, positions and personnel of the  
14 Department of Human Services shall be classified and subject to the  
15 provisions of the Merit System of Personnel Administration, as  
16 provided in the Oklahoma Personnel Act and rules promulgated  
17 thereunder.

18 SECTION 2. This act shall become effective November 1, 2021.  
19

20 58-1-7164 CMA 01/04/21  
21  
22  
23  
24