

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 913

By: Floyd

4
5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2011, Sections 840-1.1, 840-1.2, 840-1.3, as amended
9 by Section 868, Chapter 304, O.S.L. 2012, 840-1.6, as
10 amended by Section 5, Chapter 303, O.S.L. 2012, 840-
11 1.6A, as last amended by Section 1, Chapter 7, O.S.L.
12 2016, 840-1.7, 840-1.8, 840-1.9, as amended by
13 Section 7, Chapter 303, O.S.L. 2012, 840-1.10, 840-
14 1.12, 840-1.13, 840-1.14, 840-1.18, as amended by
15 Section 869, Chapter 304, O.S.L. 2012, 840-1.19, as
16 amended by Section 9, Chapter 303, O.S.L. 2012, 840-
17 1.21, 840-2.5, 840-2.6, 840-2.9, 840-2.13, as amended
18 by Section 874, Chapter 304, O.S.L. 2012, 840-2.14,
19 as last amended by Section 1, Chapter 267, O.S.L.
20 2014, 840-2.16, 840-2.19, as amended by Section 878,
21 Chapter 304, O.S.L. 2012, 840-2.21, as amended by
22 Section 881, Chapter 304, O.S.L. 2012, 840-2.25, 840-
23 2.27B, 840-2.27C, as amended by Section 884, Chapter
24 304, O.S.L. 2012, 840-2.27D, as amended by Section
885, Chapter 304, O.S.L. 2012, 840-2.28, as last
amended by Section 2, Chapter 158, O.S.L. 2014, 840-
2.29, 840-3.1, as amended by Section 892, Chapter
304, O.S.L. 2012, 840-3.2, as amended by Section 893,
Chapter 304, O.S.L. 2012, 840-3.5, as last amended by
Section 5, Chapter 237, O.S.L. 2013, 840-3.7, 840-
3.11, as amended by Section 896, Chapter 304, O.S.L.
2012, 840-3.12, 840-3.13, as amended by Section 897,
Chapter 304, O.S.L. 2012, 840-4.1, 840-4.2, as
amended by Section 900, Chapter 304, O.S.L. 2012,
840-4.3, as amended by Section 901, Chapter 304,
O.S.L. 2012, 840-4.9, 840-4.11, as amended by Section
906, Chapter 304, O.S.L. 2012, 840-4.12, as last
amended by Section 1, Chapter 80, O.S.L. 2014, 840-
4.13, as amended by Section 908, Chapter 304, O.S.L.
2012, 840-4.14, as last amended by Section 109,
Chapter 15, O.S.L. 2013, 840-5.1, as amended by

1 Section 912, Chapter 304, O.S.L. 2012, 840-5.1A, as
2 amended by Section 913, Chapter 304, O.S.L. 2012,
3 840-5.2A, as amended by Section 914, Chapter 304,
4 O.S.L. 2012, 840-5.5, as last amended by Section 1,
5 Chapter 177, O.S.L. 2017, 840-5.16, as amended by
6 Section 918, Chapter 304, O.S.L. 2012, 840-6.1, 840-
7 6.2, as amended by Section 919, Chapter 304, O.S.L.
8 2012, 840-6.3, 840-6.7, 840-6.8, 840-6.9, as amended
9 by Section 921, Chapter 304, O.S.L. 2012, 150.17 and
10 5003.5 (74 O.S. Supp. 2018, Sections 840-1.3, 840-
11 1.6, 840-1.6A, 840-1.9, 840-1.18, 840-1.19, 840-2.13,
12 840-2.14, 840-2.19, 840-2.21, 840-2.27C, 840-2.27D,
13 840-2.28, 840-3.1, 840-3.2, 840-3.5, 840-3.11, 840-
14 3.13, 840-4.2, 840-4.3, 840-4.11, 840-4.12, 840-4.13,
15 840-4.14, 840-5.1, 840-5.1A, 840-5.2A, 840-5.5, 840-
16 5.16, 840-6.2 and 840-6.9), which relate to the
17 Oklahoma Personnel Act; modifying name of act;
18 modifying purpose of act; providing for principles
19 for treatment of employees; modifying definitions;
20 modifying references to certain employees and
21 personnel; transferring powers and duties from the
22 Oklahoma Merit Protection Commission to the Office of
23 Management and Enterprise Services; modifying powers
24 and duties of the Office; authorizing subpoena powers
for certain entities; removing legal counsel for the
Commission; modifying usage of the Human Capital
Management Revolving Fund; modifying management of
costs of human resources; requiring the Office to
produce certain reports; modifying severance and
voluntary-out benefits; modifying training programs
for supervisory personnel; renaming certain
internship program; authorizing promulgation of rules
for State Internship Program; providing for
classification adjustment; deleting the Fair
Employment Practices Act; modifying list of personnel
in unclassified service; authorizing Administrator of
Human Capital Management Division of the Office to
determine certain classifications of service;
modifying employment and hiring under the State Work
Incentive Program; modifying Alternative Dispute
Resolution Program; creating the Career Service
Commission; providing for membership of Commission;
providing for complaint procedures for career service
employees; modifying procedures for disciplining
employees; removing right to return to classified
service for certain positions; removing certain
positions from classified services; amending 3 O.S.

1 2011, Section 84.2, which relates to the Oklahoma
2 Aeronautics Commission; modifying and updating
3 references to classified and unclassified service;
4 deleting provisions relating to payroll audits;
5 allowing certain employees to receive more than one
6 voluntary-out benefit; amending 3A O.S. 2011, Section
7 712, which relates to the Oklahoma Education Lottery
8 Act; removing positions from unclassified service;
9 amending 53 O.S. 2011, Section 168, which relates to
10 the Oklahoma Arts and Humanities Act; updating
11 reference to the Oklahoma Personnel Act; amending 56
12 O.S. 2011, Section 26.17, as last amended by Section
13 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp. 2018,
14 Section 26.17), which relates to employees of the
15 Department of Human Services; removing positions from
16 unclassified service; amending 63 O.S. 2011, Section
17 5006, which relates to the Oklahoma Health Care
18 Authority; removing positions from unclassified
19 service; amending 70 O.S. 2011, Section 17-103, which
20 relates to the Teachers' Retirement System; modifying
21 and updating references to classified and
22 unclassified service; repealing 43A O.S. 2011,
23 Section 2-203, which relates to the classification of
24 employees by the Commissioner of Mental Health;
repealing 44 O.S. 2011, Section 21.1, as amended by
Section 2, Chapter 166, O.S.L. 2018 (O.S. 44 Supp.,
Section 21.1) which relates to persons appointed as
state employees in the Military Department; repealing
72 O.S. 2011, Section 63.7A, which relates to
classification of certain employees transferred to
the Department of Veterans Affairs; repealing 74 O.S.
2011, Sections 840-2.27F, as amended by Section 887,
Chapter 304, O.S.L. 2012, 840-3.4, as last amended by
Section 4, Chapter 237, O.S.L. 2013, 840-4.19, 840-
5.2, 840-5.2B, as amended by Section 916, Chapter
304, O.S.L. 2012, 840-5.4, 840-5.6, 840-5.7, as
amended by Section 1, Chapter 140, O.S.L. 2016, 840-
5.8, 840-5.9, 840-5.12, as amended by Section 1,
Chapter 64, O.S.L. 2015, 840-5.13, 840-5.15, 840-
5.18, 840-5.19, as amended by Section 1, Chapter 151,
O.S.L. 2015, 840-5.20, 840-5.21, 840-5.23, 840-5.24,
as amended by Section 1, Chapter 393, O.S.L. 2015,
Section 1, Chapter 394, O.S.L. 2015, as amended by
Section 1, Chapter 254, O.S.L. 2016, Section 1,
Chapter 392, O.S.L. 2015, 840-6.4, 840-6.5, as
amended by Section 920, Chapter 304, O.S.L. 2012,
840-6.6, 840-6.7, 840-6.8 and 661.1, as amended by

1 Section 1, Chapter 332, O.S.L. 2016 (74 O.S. Supp.
2 2017, Sections 840-2.27F, 840-3.4, 840-5.2B, 840-5.7,
3 840-5.12, 840-5.19, 840-5.24, 840-5.25, 840-5.26,
4 840-6.5 and 661.1), which relate to the Oklahoma
5 Personnel Act; providing for certain rule making;
6 providing for codification; providing for
7 noncodification; and providing an effective date.

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

9 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-1.1, is
10 amended to read as follows:

11 Section 840-1.1 ~~A. Sections 840-1.1 through 840-6.9 of this~~
12 ~~title~~ This act shall be known and may be cited as the "Oklahoma
13 ~~Personnel Career Service Act~~".

14 ~~B. All statutes hereinafter enacted and codified within~~
15 ~~Sections 840-1.1 through 840-6.9 of this title shall be part of the~~
16 ~~Oklahoma Personnel Act.~~

17 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-1.2, is
18 amended to read as follows:

19 Section 840-1.2 A. It is the purpose of this act to ~~protect~~
20 ~~the public from improper use of authority, to protect public~~
21 ~~officials and employees from unwarranted assaults on their integrity~~
22 ~~and to enforce the protections for classified employees and citizens~~
23 ~~under the Merit System of Personnel Administration. It is further~~
24 ~~the general purpose of this act to establish for the state a system~~
25 ~~to recruit, select, develop and maintain an effective and responsive~~
26 ~~work force; to provide for administrative flexibility and adequate~~

1 ~~and reasonable protection and security for those who have entered~~
2 ~~and will enter into the service of the state; to provide for the~~
3 ~~preservation and protection of the Merit System; and to provide~~
4 ~~policies and procedures for the selection, hiring, retention,~~
5 ~~advancement, career development, job classification, salary~~
6 ~~administration, discipline, discharge and other related activities,~~
7 ~~all in accordance with principles of merit and fitness and equal~~
8 ~~employment opportunity, and to maintain a high level of morale,~~
9 ~~motivation and productivity among state employees~~ establish an
10 effective system of human resources management that will attract,
11 select, retain and promote the best-qualified employees based on
12 merit and equal opportunity, and free from coercive political
13 influences. The intent of this act is to allow agencies flexibility
14 in human resources management within a framework of consistent best
15 practices across all state agencies and entities.

16 B. As provided in this act, it is the policy of the state that
17 agencies treat all employees in accordance with the following
18 principles:

19 1. Assuring fair treatment of applicants and employees in all
20 aspects of personnel administration without regard to race, color,
21 national origin, gender, age, disability, religion or creed, or
22 political opinions or affiliations;

23 2. Recruiting, selecting, and promoting employees on the basis
24 of their relative skills, abilities, competencies and knowledge,

1 including an open process to consider qualified applicants for
2 initial employment;

3 3. Providing equitable and adequate compensation based on
4 performance, job value and competitiveness and applicable labor
5 markets;

6 4. Training and developing employees to assure a high level of
7 performance and to provide workforce knowledge and skills needed to
8 maintain and advance the goals and objectives of the state;

9 5. Retaining employees on the basis of their performance,
10 counseling inadequate performance and unacceptable conduct, and
11 terminating employees whose performance or conduct is inadequate,
12 unsuitable or inferior; and

13 6. Assuring that employees are protected against coercion from
14 partisan political purposes and are prevented from using their
15 official authority for the purpose of interfering with, or affecting
16 the result of, an election or nomination for office.

17 SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-1.3, as
18 amended by Section 868, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2017, Section 840-1.3), is amended to read as follows:

20 Section 840-1.3 As used in the Oklahoma ~~Personnel~~ Career
21 Service Act, unless otherwise provided in Sections 840-1.1 through
22 840-6.9 of this title:

23 1. "Agency" means any office, department, board, commission or
24 institution of the executive branch of state government;

1 2. "Employee" or "state employee" means an elected or appointed
2 officer or employee of an agency unless otherwise indicated;

3 3. "Appointing authority" means the chief administrative
4 officer of an agency;

5 4. "Classification" means:

6 a. the process of placing an employee into an appropriate
7 job family and level within the job family, consistent
8 with the allocation of the position to which the
9 employee is assigned, or

10 b. an employee's job family and the level at which work
11 is assigned;

12 5. "Classification plan" means the orderly arrangement of
13 positions within an agency into separate and distinct job families
14 so that each job family will contain those positions which involve
15 similar or comparable skills, duties and responsibilities;

16 6. "~~Classified~~ Career service" means state employees ~~and in~~
17 ~~positions under the jurisdiction of the Oklahoma Merit System of~~
18 ~~Personnel Administration~~ that are not required to be in the
19 executive service pursuant to Section 840-5.5 of this title;

20 7. "Copy" means the duplication of an original document or
21 recording. The copy may be provided in an electronic format
22 generated from technology having electrical, digital, magnetic,
23 wireless, optical, electromagnetic, or similar capabilities;

1 8. ~~"Entrance examination" means any employment test used by the~~
2 ~~Office of Management and Enterprise Services to rank the names of~~
3 ~~applicants who possess the minimum requirements of education,~~
4 ~~experience, or licensure for a job or group of similar jobs on a~~
5 ~~register of eligibles established by the Office of Management and~~
6 ~~Enterprise Services~~ "Executive service" means employees and
7 positions required to be in the executive service pursuant to
8 Section 840-5.5 of this title;

9 9. "Job" means a position or job family level in a job family;

10 10. "Job family" means:

11 a. jobs which require similar core skills and involve
12 similar work, and

13 b. a logical progression of roles in a specific type of
14 occupation in which the differences between roles are
15 related to the depth and breadth of experience at
16 various levels within the job family and which are
17 sufficiently similar in duties and requirements of the
18 work to warrant similar treatment as to title, typical
19 functions, knowledge, skills and abilities required,
20 and education and experience requirements;

21 11. "Job family level" means a role in a job family having
22 distinguishable characteristics such as knowledge, skills,
23 abilities, education, and experience;

24 12. "Job family descriptor" means a written document that:

- 1 a. describes a job family, including, but not limited to,
2 the basic purpose, typical functions performed,
3 various levels within the job family, and the
4 knowledge, skills, abilities, education, and
5 experience required for each level, and
6 b. identifies the pay band assigned for each level;

7 13. "Promotional ~~examination~~ assessment" means any employment
8 ~~test tool~~ designated by the Office of Management and Enterprise
9 Services to determine further the qualifications of a permanent
10 ~~classified~~ career service employee of a state agency for employment
11 in a different job for which the employee possesses the minimum
12 qualifications of education, experience, or licensure within that
13 agency;

14 14. "Interagency transfer" means an action in which an employee
15 leaves employment with one agency and enters employment with another
16 agency while continuously employed with the state;

17 15. "Intra-agency transfer" means moving an employee from one
18 position to another position with the same agency either with or
19 without reclassification;

20 16. "Job-related organization" means a membership association
21 which collects annual dues, conducts annual meetings and provides
22 job-related education for its members and which includes state
23 employees, including any association for which payroll deductions
24 for membership dues are authorized pursuant to paragraph 5 of
25

1 subsection B of Section ~~7.10~~ 34.70 of Title 62 of the Oklahoma
2 Statutes;

3 17. "Lateral transfer" means the reassignment of an employee to
4 another state job with the same pay band assignment as the job
5 family level in which the employee was ~~classified~~ designated as
6 career service prior to the lateral transfer;

7 18. ~~"Merit Rules" or "Merit~~ "Career Service Rules for
8 Employment" or ~~"Merit System of Personnel Administration Rules"~~
9 "Career Service Code" means rules adopted by the Director of the
10 Office of Management and Enterprise Services ~~or the Oklahoma Merit~~
11 ~~Protection Commission pursuant to the Oklahoma Personnel Act;~~

12 19. "Noncompetitive appointment" means the appointment of a
13 person to a noncompetitive job level within a job family;

14 20. "Noncompetitive job" means an unskilled or semiskilled job
15 designated by the Office of Management and Enterprise Services as
16 noncompetitive. Noncompetitive jobs do not require ~~written~~
17 ~~examinations~~ assessment for placement on ~~registers~~ lists of
18 eligibles;

19 21. ~~"Permanent classified employee" means a classified service~~
20 ~~employee who has acquired permanent status in accordance with the~~
21 ~~Oklahoma Personnel Act, and rules adopted pursuant thereto, and who~~
22 ~~has the right to appeal involuntary demotion, suspension without~~
23 ~~pay, and discharge to the Commission;~~

1 ~~22. "Presiding official" means a person serving the Oklahoma~~
2 ~~Merit Protection Commission in the capacity of administrative~~
3 ~~hearing officer, mediator, or other alternative dispute resolution~~
4 ~~arbitrator or facilitator;~~

5 ~~23. "Progressive discipline"~~ "Career coaching" means a system
6 designed to ensure the consistency, impartiality and predictability
7 of discipline and the flexibility to vary penalties if justified by
8 aggravating or mitigating conditions;

9 ~~24.~~ 22. "Reclassification" means the process of changing a
10 ~~classified~~ career service employee from one job family to another
11 job family or from one job family level to another job family level
12 in the same job family, resulting in a change in the employee's
13 assigned job code;

14 ~~25.~~ 23. "Regular and consistent" means, in connection with the
15 work assignments of an employee, the usual and normal work
16 assignments of the employee, excluding incidental, casual, or
17 occasional tasks and activities the employee assumes without
18 direction to do so. Temporary work assignments of less than sixty
19 (60) days in any twelve (12) consecutive months period shall not be
20 considered regular and consistent;

21 ~~26. "Regular unclassified service employee" means an~~
22 ~~unclassified service employee who is not on a temporary or other~~
23 ~~time-limited appointment;~~

1 ~~27.~~ 24. "Supervisor" means a ~~classified~~ career service or
2 ~~unclassified~~ executive service officer or employee who has been
3 assigned authority and responsibility for evaluating the performance
4 of subordinates;

5 ~~28.~~ "~~Unclassified service~~" or "~~exempt service~~" means ~~employees~~
6 ~~and positions excluded from coverage of the Oklahoma Merit System of~~
7 ~~Personnel Administration;~~

8 ~~29.~~ "~~Merit~~ 25. "Career Service System" means the ~~Oklahoma~~
9 ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
10 Administration;

11 ~~30.~~ 26. "Director" means the appointing authority of the Office
12 of Management and Enterprise Services;

13 ~~31.~~ 27. "Executive Director" means the appointing authority of
14 the Oklahoma ~~Merit Protection~~ Career Service Commission;

15 ~~32.~~ 28. "Office" means the Office of Management and Enterprise
16 Services;

17 ~~33.~~ 29. "Commission" means the Oklahoma ~~Merit Protection~~ Career
18 Service Commission;

19 ~~34.~~ 30. "Veteran" means a person who has been honorably
20 discharged from the Armed Forces of the United States and has been a
21 resident of Oklahoma for at least one (1) year prior to the date of
22 the ~~examination~~ assessment; and

23 ~~35.~~ 31. "Voluntary out" means the voluntary separation of
24 employees from the state service in exchange for benefits offered by

1 an agency in order to reduce or eliminate the adverse impact of an
2 imminent reduction-in-force.

3 SECTION 4. AMENDATORY 74 O.S. 2011, Section 840-1.6, as
4 amended by Section 5, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2017,
5 Section 840-1.6), is amended to read as follows:

6 Section 840-1.6 A. The internal administrative organization of
7 the Office of Management and Enterprise Services shall be determined
8 by the Director of the Office of Management and Enterprise Services
9 in such a manner as to promote the efficient and effective
10 enforcement of the Oklahoma ~~Personnel~~ Career Service Act.

11 B. The Director of the Office of Management and Enterprise
12 Services may employ attorneys, accountants and other personnel as
13 the Director deems necessary to carry out the duties imposed upon
14 the Office.

15 C. Employees of the Office shall be subject to the ~~Merit~~
16 Oklahoma Career Service System of ~~Personnel~~ Human Resources
17 Administration, unless otherwise exempted by Section 840-5.5 of this
18 title.

19 SECTION 5. AMENDATORY 74 O.S. 2011, Section 840-1.6A, as
20 last amended by Section 1, Chapter 7, O.S.L. 2016 (74 O.S. Supp.
21 2017, Section 840-1.6A), is amended to read as follows:

22 Section 840-1.6A The Office of Personnel Management Division of
23 the Office of State Finance is hereby consolidated into and renamed
24 the Office of Management and Enterprise Services. Where the term
25

1 "Office of Personnel Management" is used within the Oklahoma
2 Statutes, it shall mean the Office of Management and Enterprise
3 Services. The chief administrative officer shall be the Director of
4 the Office of Management and Enterprise Services. In addition to
5 the other duties imposed by law, the Director shall:

6 1. Be responsible for the development of an efficient and
7 effective system of ~~personnel~~ human resources administration that
8 meets the management needs of the various agencies;

9 2. Organize the Office to provide both service and regulatory
10 functions that are effective and efficient in meeting the management
11 needs of various state agencies. The Director is directed to
12 establish an agency service function to assist agencies with human
13 resource needs based upon the administrative capacity and resources
14 of the various agencies;

15 3. Prepare, maintain, and revise a ~~classified~~ career service
16 system of employment designed to ensure the impartial consideration
17 of applicants for employment and to protect state employees from
18 arbitrary dismissal or unfair treatment;

19 4. Develop and maintain a classification and compensation
20 system for all ~~classified~~ career service and executive service
21 positions in the executive branch of state government including
22 those established by the Oklahoma Constitution;

23 5. Conduct an analysis of the rates of pay prevailing in the
24 state in the public and private sectors for comparable jobs and
25

1 report the findings to the Governor, the President Pro Tempore of
2 the Senate, and the Speaker of the House of Representatives no later
3 than ~~December~~ February 1 of each year. Such analysis shall include
4 all forms of compensation including fringe benefits. Information
5 solicited by the Office of Management and Enterprise Services from
6 public and private sector employers for such analysis, including but
7 not limited to salaries, benefits, and compensation policies and
8 procedures, shall be confidential and shall not be subject to
9 disclosure under the Oklahoma Open Records Act;

10 6. Develop a program for the recruitment of qualified persons,
11 including the administration of valid job-related nondiscriminatory
12 selection procedures ~~providing for competitive examinations and~~
13 ~~other job-related assessments. As part of the recruitment program~~
14 ~~established by this section, the Director may identify positions or~~
15 ~~job family levels for expedited recruitment. Such expedited~~
16 ~~recruitment jobs may include only those jobs where education,~~
17 ~~experience or certification requirements substantially limit the~~
18 ~~pool of available applicants. Applicants who have been certified by~~
19 ~~the Office of Management and Enterprise Services as meeting the~~
20 ~~minimum qualifications for such jobs may be referred to agencies~~
21 ~~with vacancies in such jobs without examination or ranking, and may~~
22 ~~be eligible for appointment upon referral. However, a referral may~~
23 ~~not occur until the register for the job has been publicly announced~~
24 ~~for at least fourteen (14) calendar days. The Director may remove~~

1 ~~positions or job family levels from expedited recruitment at any~~
2 ~~time. The Director shall promulgate rules to implement expedited~~
3 ~~recruitment;~~

4 7. Develop and implement a reasonable and expeditious method
5 for referral of capable candidates for vacancies, probationary
6 periods of employment, and the employment of individuals on other
7 types of appointments as necessary;

8 8. Assist state agencies in implementing their duties and
9 obligations pursuant to the Oklahoma ~~Personnel~~ Career Service Act
10 and provide standard forms to the agencies if necessary;

11 9. Develop, in cooperation with appointing authorities,
12 employee training programs, management training programs, a
13 certified public manager program, a recruiting program, and a system
14 of performance appraisals, and assist appointing authorities in the
15 setting of productivity goals. The Director may establish and
16 collect fees for participation in training programs. The Director
17 is authorized to purchase awards for presentation to state employees
18 as part of employee recognition activities sponsored by the Office
19 of Management and Enterprise Services;

20 10. Establish rules for leave and pay including, but not
21 limited to, rules for leave, furloughs, performance pay increases,
22 rates for pay differentials, on-call pay, and other types of pay
23 incentives and salary adjustments consistent with the Oklahoma
24 ~~Personnel~~ Career Service Act;

1 11. Assist the ~~Oklahoma Merit Protection~~ Career Service
2 Commission and the Executive Director in effectuating their duties,
3 enforcement of the rules of the ~~Merit~~ Career Service System of
4 ~~Personnel~~ Human Resources Administration, and implementation of
5 corrective action issued by the Commission;

6 12. Be responsible for the development and maintenance of a
7 uniform occupation code system, grouped by job titles or duties, for
8 all ~~classified and unclassified~~ career service and executive service
9 state positions. The responsibility shall include the establishment
10 of rules governing the identification, tracking, and reporting of
11 all state positions as provided in Section 840-2.13 of this title;

12 13. Be responsible for advising state agencies on ~~personnel~~
13 human resources policy and administration;

14 14. Establish standards for continuing training, ~~including~~
15 ~~affirmative action,~~ and certification of ~~personnel~~ human resources
16 professionals in the executive branch of state government, excluding
17 institutions within The Oklahoma State System of Higher Education.
18 ~~Employees appointed to professional personnel positions shall~~
19 ~~complete an initial training program within one (1) year after~~
20 ~~assuming the professional personnel position. Thereafter, they~~
21 ~~shall complete annual training requirements. Each appointing~~
22 ~~authority shall ensure that all professional personnel employees are~~
23 ~~notified of, and scheduled to attend, required training programs and~~
24 ~~shall make time available for employees to complete the programs.~~

1 The Director shall be authorized to bill agencies for the training
2 of ~~personnel~~ human resources professionals pursuant to this
3 paragraph to recover reasonable costs associated with the training.
4 Monies received for such training shall be deposited in the Human
5 Capital Management Revolving Fund. Expenditure of such funds
6 collected for the training shall be exempt from any expenditure
7 limit on the Office of Management and Enterprise Services
8 established by law;

9 15. Not less than once during each two-year period, conduct a
10 study identifying the following, by job family descriptors:

- 11 a. selected job family levels with a turnover rate in
12 excess of ten percent (10%),
- 13 b. selected job family levels identified by the Director
14 of the Office of Management and Enterprise Services
15 with salaries and benefits that are ten percent (10%)
16 or more below the market for such positions, and
- 17 c. selected job family levels identified by the Director
18 in which recruitment efforts have yielded a low number
19 of qualified applicants;

20 16. Issue orders directing agencies to:

- 21 a. conform and comply with the provisions of the Oklahoma
22 ~~Personnel~~ Career Service Act, the ~~Merit Rules of~~
23 ~~Personnel~~ Career Service System of Human Resources
24 Administration, and all memoranda or other written

1 communications issued to agencies explaining the
2 Oklahoma ~~Personnel~~ Career Service Act, the Rules, and
3 any other matter relating to the ~~Merit~~ Career Service
4 System of ~~Personnel~~ Human Resources Administration or
5 under the jurisdiction of the Director, and

6 b. take action pursuant to Section 840-6.9 of this title
7 for failure to implement those orders;

8 17. Establish a workforce planning function within the Office
9 of Management and Enterprise Services to assist state agencies in
10 analyzing the current workforce, determining future workforce needs,
11 and implementing solutions so that agencies may accomplish their
12 missions; and

13 18. Establish a quality management function within the Office
14 of Management and Enterprise Services and assist state agencies in
15 fully integrating quality management concepts and models into their
16 business practices for the purpose of improving the overall
17 efficiency and effectiveness of state government.

18 SECTION 6. AMENDATORY 74 O.S. 2011, Section 840-1.7, is
19 amended to read as follows:

20 Section 840-1.7 A. There is hereby created the Oklahoma ~~Merit~~
21 ~~Protection~~ Career Service Commission. Whenever the terms "Ethics
22 and Merit Commission" or "Special Counsel of the Ethics and Merit
23 Commission" appear in the Oklahoma Statutes, they shall mean the
24 Oklahoma ~~Merit Protection~~ Career Service Commission or the Executive

1 Director of the Oklahoma ~~Merit Protection~~ Career Service Commission
2 as may be appropriate to the context in which they appear. The
3 Oklahoma ~~Merit Protection~~ Career Service Commission shall consist of
4 nine (9) members who shall be appointed for a term of three (3)
5 years. The members shall be removable only for cause, as provided
6 by law for the removal of officers not subject to impeachment. Two
7 members of the Commission shall be appointed by the President Pro
8 Tempore of the Senate. Two members of the Commission shall be
9 appointed by the Speaker of the House of Representatives. Five
10 members of the Commission shall be appointed by the Governor. No
11 more than four of the appointments made by the Governor shall be
12 from the same political party. Of the initial appointments made to
13 the Commission, one member appointed by the President Pro Tempore,
14 one member appointed by the Speaker and one member appointed by the
15 Governor shall be for a term of three (3) years; and one member
16 appointed by the President Pro Tempore, one member appointed by the
17 Speaker and one member appointed by the Governor shall be for a term
18 of two (2) years. The remaining three initial appointments by the
19 Governor shall be designated to serve a term of one (1) year. At
20 the expiration of the initial term, each new appointee shall serve a
21 three-year term. All initial appointments shall be made prior to
22 July 1, 1982.

1 B. Members of the Commission shall be entitled to reimbursement
2 for expenses incurred in the performance of their duties as provided
3 in the State Travel Reimbursement Act.

4 C. The Commission shall elect a chairman, to serve a two-year
5 term and such other officers as deemed necessary for the performance
6 of their duties. The Commission shall hold regular meetings not
7 less than once a month and such additional meetings as called by the
8 chairman as may be required for the proper discharge of its duties.

9 SECTION 7. AMENDATORY 74 O.S. 2011, Section 840-1.8, is
10 amended to read as follows:

11 Section 840-1.8 The appointing authority of the Oklahoma ~~Merit~~
12 ~~Protection~~ Career Service Commission shall be the Executive
13 Director. The Executive Director shall be appointed by the
14 Commission to serve at its pleasure. The Executive Director, with
15 the approval of the Commission, may employ and compensate an
16 attorney and shall select, compensate and employ such administrative
17 hearing officers and other personnel as deemed necessary for the
18 proper administration of the duties and functions of the Commission.
19 ~~Effective September 1, 1994, employees of the Commission shall~~
20 ~~become classified employees, except those employees with less than~~
21 ~~six (6) months of service from their enter on duty date will remain~~
22 ~~in probationary status until obtaining permanent status in~~
23 ~~accordance with applicable rules of the Administrator of the Office~~
24 ~~of Personnel Management or as provided in Section 8 of this act.~~

1
2 SECTION 8. AMENDATORY 74 O.S. 2011, Section 840-1.9, as
3 amended by Section 7, Chapter 303, O.S.L. 2012 (74 O.S. Supp. 2017,
4 Section 840-1.9), is amended to read as follows:

5 Section 840-1.9 In addition to any other duties expressly set
6 forth by law, the Oklahoma ~~Merit Protection~~ Career Service
7 Commission shall:

8 1. Receive and act on complaints, counsel persons and groups on
9 their rights and duties and take action designed to obtain voluntary
10 compliance with the provisions of the Oklahoma ~~Personnel~~ Career
11 Service Act;

12 2. Investigate allegations of violations of the provisions of
13 the Oklahoma ~~Personnel~~ Career Service Act within its jurisdiction;

14 3. Investigate allegations of ~~abuses~~ abuse in the employment
15 practices of the ~~Director of the~~ Office of Management and Enterprise
16 Services or of any state agency;

17 4. Investigate allegations of violations of the rules of the
18 ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
19 Administration and prohibited activities in the ~~classified~~ career
20 service;

21 5. Establish and maintain a statewide Alternative Dispute
22 Resolution Program to provide dispute resolution services for state
23 agencies and employees. Actions agreed to through the Alternative
24 Dispute Resolution Program provided by the Commission shall be
25

1 consistent with applicable laws and rules and shall not alter,
2 reduce, or modify any existing right or authority as provided by
3 statute or rule;

4 6. Establish rules, pursuant to the Administrative Procedures
5 Act as may be necessary to perform the duties and functions of the
6 Commission including, but not limited to, rules to monitor state
7 agency grievance processes to ensure full compliance with the law.
8 The Commission may also recommend any changes it deems necessary to
9 improve such grievance processes to the appropriate state agency;

10 7. Establish guidelines for the qualifications, duties,
11 responsibilities, authority, power, and continued employment of the
12 Executive Director, Administrative Hearing Officers, mediators, and
13 other resolution arbitrators or facilitators;

14 8. Prepare and preserve an audio tape of all proceedings of all
15 hearings conducted by the Commission and furnish transcripts of such
16 tapes upon payment of the costs of such transcripts by the party
17 requesting the transcripts;

18 9. Submit ~~quarterly~~ annual, fiscal year reports on workload
19 statistics to the Governor, the Speaker and the Minority Leader of
20 the House of Representatives, and the President Pro Tempore and the
21 Minority Leader of the Senate ~~containing the following information:~~

- 22 a. ~~the number of cases, complaints, and requests for~~
23 ~~hearing filed, disposed of and pending with the~~
24 ~~Commission for each month of the quarter,~~

- 1 b. ~~a numerical breakdown of the methods of disposition of~~
2 ~~such cases, complaints, and requests for hearing,~~
3 c. ~~a numerical breakdown of mediations, prehearing~~
4 ~~conferences, and appellate hearings, conducted, and~~
5 d. ~~the date of the oldest pending case, complaint, and~~
6 ~~request for hearing.~~

7 ~~Quarterly reports shall be submitted within thirty (30) days~~
8 ~~following the last day of the month of the appropriate quarter; and~~

9 10. Make all records of the Commission, except those made
10 confidential by law, available for public inspection, copying and
11 mechanical reproduction, or either of them, in accordance with the
12 Oklahoma Open Records Act and charge a fee not to exceed twenty-five
13 cents (\$0.25) per page as the direct costs of document copying or
14 mechanical reproduction. All fees collected pursuant to the
15 provisions of this paragraph shall be deposited in the Oklahoma
16 ~~Merit Protection~~ Career Service Commission Revolving Fund.

17 SECTION 9. AMENDATORY 74 O.S. 2011, Section 840-1.10, is
18 amended to read as follows:

19 Section 840-1.10 A. A member of the Oklahoma ~~Merit Protection~~
20 Career Service Commission and the Executive Director shall have
21 power to subpoena witnesses and compel the production of books and
22 papers pertinent to any investigation, dispute resolution or hearing
23 authorized by this act. Members of the Oklahoma ~~Merit Protection~~
24 Career Service Commission, the Executive Director, and their

1 designees shall have the power to administer oaths. Any person who
2 fails to appear in response to a subpoena or to answer any question
3 or produce any books or papers pertinent to any such investigation,
4 dispute resolution or hearing or who shall knowingly give false
5 testimony therein upon conviction shall be subject to penalties
6 pursuant to Section ~~40~~ 840-6.9 of this ~~act~~ title.

7 B. Any state employee subpoenaed by the Executive Director or
8 Commission to appear pursuant to this section shall be reimbursed by
9 the employing agency for expenses as provided in the State Travel
10 Reimbursement Act and shall be paid his or her regular salary for
11 each day that the employee is subpoenaed to appear. Said
12 reimbursement and payment shall be in lieu of any witness fees to
13 which the employee might otherwise be entitled by law and a request
14 by a state employee for such fees shall not remove the obligation
15 which the state employee has to honor the subpoena.

16 SECTION 10. AMENDATORY 74 O.S. 2011, Section 840-1.12,
17 is amended to read as follows:

18 Section 840-1.12 The Oklahoma ~~Merit Protection~~ Career Service
19 Commission is directed to publish summaries of ~~Merit Protection~~
20 Career Service Commission appeal hearings.

21 The Oklahoma ~~Merit Protection~~ Career Service Commission shall
22 charge state agencies, associations and other interested parties for
23 the cost of such summaries and recordings. All monies accruing from
24 the sale of hearing summaries and recordings are to be deposited to

1 the Oklahoma ~~Merit Protection~~ Career Service Commission Revolving
2 Fund.

3 SECTION 11. AMENDATORY 74 O.S. 2011, Section 840-1.13,
4 is amended to read as follows:

5 Section 840-1.13 The Oklahoma ~~Merit Protection~~ Career Service
6 Commission shall establish a training and certification program for
7 all hearing officers employed by the Oklahoma ~~Merit Protection~~
8 Career Service Commission and grievance managers appointed by state
9 agencies. The Commission may also provide training for other agency
10 personnel employees. The Executive Director shall be authorized to
11 bill agencies for the training pursuant to this section to recover
12 reasonable costs associated with the training. Monies received for
13 such training shall be deposited in the Oklahoma ~~Merit Protection~~
14 Career Service Commission Revolving Fund. Expenditure of such funds
15 collected for the training shall be exempt from any expenditure
16 limit on the Oklahoma ~~Merit Protection~~ Career Service Commission
17 established by law.

18 SECTION 12. AMENDATORY 74 O.S. 2011, Section 840-1.14,
19 is amended to read as follows:

20 Section 840-1.14 When any officer or employee of the state is
21 in doubt as to the application of the Oklahoma ~~Personnel~~ Career
22 Service Act as to himself or to any employee under his supervision,
23 he may submit to the Attorney General a full written statement of
24 the facts and questions he may have. The Attorney General shall

1 then render an opinion to such person and may publish these
2 opinions, or abstracts thereof, with the use of the name of the
3 person advised unless such person requests otherwise in writing.
4 The Attorney General shall be the legal counsel for the Oklahoma
5 ~~Merit Protection~~ Career Service Commission and represent it when its
6 decisions are appealed to higher courts. The Office of the Attorney
7 General shall be legal counsel for and represent the ~~Merit~~
8 ~~Protection~~ Career Service Commission notwithstanding its
9 representation of any other state department, agency, board or
10 commission in the same or related matters pending before the ~~Merit~~
11 ~~Protection~~ Career Service Commission or before any court. The
12 Attorney General shall establish internal administrative procedures
13 to ensure that both such agencies are provided independent legal
14 representation, and such simultaneous representation shall not, of
15 itself, be deemed to constitute a conflict of interest. In the
16 event the Attorney General determines an irreconcilable conflict of
17 interest exists, to the extent that he is unable to provide
18 simultaneous representation to both the ~~Merit Protection~~ Career
19 Service Commission and another state department, agency, board or
20 commission the provision of Section 18c-2 of this title shall apply.

21 SECTION 13. AMENDATORY 74 O.S. 2011, Section 840-1.18,
22 as amended by Section 869, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2017, Section 840-1.18), is amended to read as follows:
24
25

1 Section 840-1.18 A. The administrative expenses and costs of
2 operating the ~~Merit~~ Career Service System shall be paid by the
3 various divisions of the state government included within the ~~Merit~~
4 Career Service System, and each such agency shall be authorized to
5 include in its budget estimates its pro rata share of such costs,
6 and shall remit such shares quarterly from departmental or agency
7 funds to the Office of Management and Enterprise Services who shall
8 deposit such shares to the credit of the General Revenue Fund of the
9 State Treasury.

10 B. The Director shall maintain accurate records reflecting the
11 costs of administering its provisions, and at the close of each
12 quarter-year period shall summarize said costs, and shall bill each
13 department or agency included within the terms of the Oklahoma
14 ~~Personnel~~ Career Service Act with a pro rata share of the
15 administrative costs based on the relationship between the quarterly
16 average number of employees in the ~~classified~~ career service of such
17 department or agency, and the quarterly average number of employees
18 in the ~~classified~~ career service of the state.

19 C. The Director shall separately categorize and estimate
20 expenditures and budget needs for other services performed which are
21 not appropriately charged to state agencies on a pro rata basis.

22 D. Any state agency for which the Director provides payroll
23 services shall pay for such services at a rate established by the
24 Director, which shall be based upon the cost to the Director of
25

1 providing such services. Each agency shall remit payment for such
2 services quarterly from departmental or agency funds to the Director
3 who shall deposit such payments into the ~~Office of Management and~~
4 ~~Enterprise Services~~ Human Capital Management Revolving Fund created
5 in Section 840-1.20 of this title.

6 E. No state disbursing or auditing officer shall make or
7 approve or take any part in making or approving any payment for
8 personal service to any person holding a position in the state
9 ~~classified~~ career service, brought under the Oklahoma ~~Personnel~~
10 Career Service Act unless the payroll voucher or account of such pay
11 bears the certification of the appointing authority or designee,
12 that the persons named therein have been appointed and employed in
13 accordance with the provisions of the Oklahoma ~~Personnel~~ Career
14 Service Act and the rules promulgated hereunder. The appointing
15 authority or designee may for proper cause withhold certification
16 from an entire payroll or from any specific item or items thereon.

17 Any citizen may maintain a suit to restrain a disbursing officer
18 from making any payment in contravention of any provision of the
19 Oklahoma ~~Personnel~~ Career Service Act or rules promulgated
20 hereunder. Any sum paid contrary to any provision of the Oklahoma
21 ~~Personnel~~ Career Service Act or any rule promulgated hereunder may
22 be recovered in an action maintained by any citizen, from any
23 officer who made, approved or authorized such payment or who signed
24 or countersigned a voucher, payroll, check or warrant for such

1 payment, or from the sureties on the official bond of any such
2 officer. All monies recovered in any such action shall be paid into
3 the State Treasury.

4 Any person appointed or employed in contravention of any
5 provision of the Oklahoma ~~Personnel~~ Career Service Act or any rules
6 or orders promulgated hereunder, whose employment is brought within
7 the terms of the Oklahoma ~~Personnel~~ Career Service Act, who performs
8 service for which he or she is not paid, may maintain an action
9 against the officer or officers who purported to appoint or employ
10 the person to recover the agreed pay for such services, or the
11 reasonable value thereof if no pay was agreed upon. No officer
12 shall be reimbursed by the state at any time for any sum paid to
13 such person on account of such services.

14 If the appointing authority or designee wrongfully withholds
15 certification of the payroll voucher or account of any employee,
16 such employee may maintain an action or proceeding in the courts to
17 compel the appointing authority or designee to certify such payroll
18 voucher or account.

19 SECTION 14. AMENDATORY 74 O.S. 2011, Section 840-1.19,
20 as amended by Section 9, Chapter 303, O.S.L. 2012 (74 O.S. Supp.
21 2017, Section 840-1.19), is amended to read as follows:

22 Section 840-1.19 It shall be the responsibility of each
23 appointing authority to distribute copies of the ~~Merit System of~~
24 ~~Personnel Administration~~ Career Service Rules for Employment

1 promulgated and published by the Office of Management and Enterprise
2 Services or the ~~Merit Protection~~ Career Service Commission,
3 respectively, to all classified career service employees at the
4 request of the Executive Director of the Commission or the Director
5 of the Office.

6 SECTION 15. AMENDATORY 74 O.S. 2011, Section 840-1.21,
7 is amended to read as follows:

8 Section 840-1.21 There is hereby created in the State Treasury
9 a revolving fund for the Oklahoma ~~Merit Protection~~ Career Service
10 Commission, to be designated the "Oklahoma ~~Merit Protection~~ Career
11 Service Commission Revolving Fund". The fund shall be a continuing
12 fund, not subject to fiscal year limitations, and shall consist of
13 all monies except appropriated monies received by the Oklahoma ~~Merit~~
14 ~~Protection~~ Career Service Commission. All monies accruing to the
15 credit of said fund are hereby appropriated and may be budgeted and
16 expended by the Oklahoma ~~Merit Protection~~ Career Service Commission
17 for the purpose of paying the costs incurred in performing the
18 duties and functions imposed upon the Oklahoma ~~Merit Protection~~
19 Career Service Commission by law.

20 ~~The Commission is hereby directed to pay from the Fund the costs~~
21 ~~of transcribing the record of any proceeding before the Commission,~~
22 ~~which record may be designated by an indigent respondent, if such~~
23 ~~respondent first establishes indigent condition through execution of~~
24 ~~an in forma pauperis affidavit upon a form approved by the~~

1 ~~Commission, provided that if the indigent respondent has a financial~~
2 ~~recovery, the fund shall be reimbursed from said proceeds.~~

3 ~~Expenditures from said fund shall be made upon warrants issued~~
4 ~~by the State Treasurer against claims filed as prescribed by law~~
5 ~~with the Director of State Finance for approval and payment.~~

6 SECTION 16. AMENDATORY 74 O.S. 2011, Section 840-2.5, is
7 amended to read as follows:

8 Section 840-2.5 A. This section shall be known and may be
9 cited as the "Whistleblower Act". The purpose of the Whistleblower
10 Act is to encourage and protect the reporting of wrongful
11 governmental activities and to deter retaliation against state
12 employees for reporting those activities. No conviction of any
13 person shall be required to afford protection for any employee under
14 this section.

15 B. For purposes of this section, "agency" means any office,
16 department, commission or institution of the state government. No
17 officer or employee of any state agency shall prohibit or take
18 disciplinary action against employees of such agency, whether
19 subject to the provisions of the Merit Career Service System or in
20 ~~unclassified~~ executive service, for:

21 1. Disclosing public information to correct what the employee
22 reasonably believes evidences a violation of the Oklahoma
23 Constitution or law or a rule promulgated pursuant to law;

1 2. Reporting a violation of the Oklahoma Constitution, state
2 or federal law, rule or policy; mismanagement; a gross waste of
3 public funds; an abuse of authority; or a substantial and specific
4 danger to public health or safety;

5 3. Discussing the operations and functions of the agency,
6 either specifically or generally, with the Governor, members of the
7 Legislature, the print or electronic media or other persons in a
8 position to investigate or initiate corrective action; or

9 4. Taking any of the above actions without giving prior notice
10 to the employee's supervisor or anyone else in the employee's chain
11 of command.

12 C. Any person who has authority to take, direct others to take,
13 recommend or approve any personnel action shall not take or fail to
14 take any personnel action with respect to any employee for filing an
15 appeal or testifying on behalf of any person filing an appeal with
16 the ~~Oklahoma Merit Protection~~ Career Service Commission. This
17 section shall not be construed as prohibiting disciplinary action of
18 an employee who discloses information which the employee:

19 1. Knows to be false;

20 2. Knowingly and willfully discloses with reckless disregard
21 for its truth or falsity; or

22 3. Knows to be confidential pursuant to law.

23 D. Each state agency, department, institution, board and
24 commission in all branches of state government, including all

1 institutions in The Oklahoma State System of Higher Education, shall
2 prominently post or publish a copy of this section of law in
3 locations where it can reasonably be expected to come to the
4 attention of all employees.

5 E. As used in this section:

6 1. "Disciplinary action" means any direct or indirect form of
7 discipline, any dismissal, demotion, transfer, reassignment,
8 suspension, reprimand, admonishment, warning of possible dismissal,
9 reduction in force, reduction in rank, reduction in status, or
10 withholding of work;

11 2. "Probation" means that period of time, after an officer or
12 employee is found to have violated the provisions of this section
13 and corrective action is ordered, during which time that officer's
14 or employee's performance and conduct is being monitored by the
15 employing agency for further violations of the Oklahoma ~~Personnel~~
16 Career Service Act; and

17 3. "Mismanagement" means fraudulent activity, criminal misuse
18 of funds or abuse or violation of a well-established, articulated,
19 clear and compelling public policy.

20 F. An appeal to the Oklahoma ~~Merit Protection~~ Career Service
21 Commission must identify the person on whose behalf it is made. The
22 person making the appeal must provide the Oklahoma ~~Merit Protection~~
23 Career Service Commission with the name, address, and telephone
24 number of the person on whose behalf the appeal is made. The

1 Oklahoma ~~Merit Protection~~ Career Service Commission personnel shall
2 verify the authorization of such appeal by the person on whose
3 behalf the appeal is made. The person claiming to be aggrieved has
4 the responsibility to cooperate with the Commission in the
5 investigation. The failure to cooperate in the investigation shall
6 be grounds for dismissal of the appeal filed on behalf of the
7 aggrieved party.

8 G. Any state employee or former state employee aggrieved
9 pursuant to this section, or any authorized third-party state
10 employee who has actual knowledge of the discipline or retaliatory
11 act taken against the whistleblower, may file an appeal with the
12 Oklahoma ~~Merit Protection~~ Career Service Commission within sixty
13 (60) days of the alleged violation. The Oklahoma ~~Merit Protection~~
14 Career Service Commission shall promulgate rules to establish
15 procedures for the conduct of investigations. If, after
16 investigation, the Executive Director determines a violation of this
17 section may have occurred, the Executive Director shall appoint an
18 administrative law judge to hear the case ~~as provided for in Section~~
19 ~~840-6.6 of this title.~~

20 H. If, after the hearing, it is determined that a violation has
21 occurred, the Commission or administrative law judge shall order
22 corrective action pursuant to Section ~~840-6.6~~ 840-6.6A of this
23 title. Such corrective action shall include, but not be limited to,
24 suspension without pay, demotion or discharge. Any employee found
25

1 to have violated this section of law, in addition to being suspended
2 or demoted, shall be placed on probation for six (6) months. Such
3 probation shall commence on the date of the final decision filed by
4 the Commission. Any employee who is determined to have violated the
5 Oklahoma Personnel Act, Section 840-1.1 et seq. of this title, while
6 serving said probation shall forfeit the position of the person for
7 one (1) year. Any employee, supervisor or appointing authority of
8 any state agency, whether ~~subject to the provisions of the Merit~~
9 ~~System of Personnel Administration or in unclassified~~ career service
10 or executive service, who knowingly and willfully violates the
11 provisions of this section shall forfeit the position of the person
12 and be ineligible for appointment to or employment in a position in
13 state service for a period of at least one (1) year and no more than
14 five (5) years. The decision of the Commission in such cases may be
15 appealed by any party pursuant to Article II of the Administrative
16 Procedures Act.

17 SECTION 17. AMENDATORY 74 O.S. 2011, Section 840-2.6, is
18 amended to read as follows:

19 Section 840-2.6 The Oklahoma ~~Merit Protection~~ Career Service
20 Commission shall be responsible for enforcing the provisions of
21 Section 840-2.5 of this title and shall be responsible for
22 promulgating rules for the enforcement of said section.

23 SECTION 18. AMENDATORY 74 O.S. 2011, Section 840-2.9, is
24 amended to read as follows:

25

1 Section 840-2.9 A. No person in the state service, whether
2 subject to the provisions of the ~~Merit~~ Career Service System or in
3 ~~unclassified~~ executive service, shall be appointed to or demoted or
4 dismissed from any position in the state service, or in any way
5 favored or discriminated against with respect to employment in the
6 state service because of political or religious opinions or
7 affiliations, race, creed, gender, color or national origin or by
8 reason of any physical handicap disability so long as the ~~physical~~
9 ~~handicap~~ disability does not render the employee unable to do the
10 work for which he is employed. The hiring of special disabled
11 veterans pursuant to Sections 401 through 404 of Title 72 of the
12 Oklahoma Statutes shall not constitute favoritism as herein
13 prohibited.

14 B. No person shall use or promise to use, directly or
15 indirectly, any official authority or influence, whether possessed
16 or anticipated, to secure or attempt to secure for any person an
17 appointment or advantage in appointment to a position in the
18 ~~classified~~ career service, or an increase in pay or other advantage
19 in employment in any such position, for the purpose of influencing
20 the vote or political action of any person, or for any
21 consideration. Letters of inquiry, recommendation and reference for
22 public employees by public officials shall not be considered
23 official authority or influence unless such letter contains a
24

1 threat, intimidation, or irrelevant, derogatory or false
2 information.

3 C. No person shall make any false statement, certificate,
4 score, rating or report with regard to any ~~test~~ assessment,
5 certification or appointment made under any provision of the
6 Oklahoma ~~Personnel~~ Career Service Act or in any manner commit any
7 fraud preventing the implementation of the provisions of the
8 Oklahoma ~~Personnel~~ Career Service Act and rules made pursuant
9 thereto.

10 D. No employee, ~~examiner~~ assessor or other person shall deny,
11 deceive or obstruct any person in his or her right to ~~examination~~
12 assessment, eligibility, certification or appointment or furnish to
13 any person any special or secret information for the purpose of
14 effecting the rights or prospects of any person with respect to
15 employment in the ~~classified~~ career service.

16 E. No person shall, directly or indirectly, give, render, pay,
17 offer, solicit or accept any money, service or other valuable
18 consideration for or as a result of any appointment, proposed
19 appointment, promotion or proposed promotion to or any advantage in,
20 a position in the ~~classified~~ career service or ~~unclassified~~
21 executive service.

22 F. Alleged violation of this section shall be reported to the
23 Oklahoma ~~Merit Protection~~ Career Services Commission.
24
25

1 SECTION 19. AMENDATORY 74 O.S. 2011, Section 840-2.13,
2 as amended by Section 874, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2017, Section 840-2.13), is amended to read as follows:

4 Section 840-2.13 A. The Director of the Office of Management
5 and Enterprise Services shall establish a Personnel Management
6 Information System to provide various management reports to
7 facilitate decision making within agencies, and to promote the
8 efficient utilization of personnel resources by providing a method
9 for tracking, monitoring and reporting positions and employee
10 transactions. The System shall include information on both the
11 ~~classified~~ career and ~~unclassified~~ executive services within the
12 executive branch of government, but shall not require institutions
13 within The Oklahoma State System of Higher Education to participate.

14 B. The Director of the Office of Management and Enterprise
15 Services shall promulgate rules regarding the Personnel Management
16 Information System as necessary to implement the provisions of this
17 section. Such rules shall establish a schedule to ensure the
18 orderly implementation of such Personnel Management Information
19 System.

20 C. The Personnel Management Information System shall be
21 implemented for all state agencies under the ~~Merit~~ Career Service
22 System ~~by July 1, 1993, and for all other executive branch state~~
23 ~~agencies by July 1, 1994.~~

1 D. State agencies shall assist the Office of Management and
2 Enterprise Services as necessary to ensure the orderly completion of
3 implementation as provided for in this section.

4 E. Appointing authorities in the legislative or judicial
5 branches of state government may participate in the Personnel
6 Management Information System at their option.

7 SECTION 20. AMENDATORY 74 O.S. 2011, Section 840-2.14,
8 as last amended by Section 1, Chapter 267, O.S.L. 2014 (74 O.S.
9 Supp. 2017, Section 840-2.14), is amended to read as follows:

10 Section 840-2.14 A. The intent of the Legislature is to
11 increase individual agency skill and accountability in managing the
12 costs associated with personnel and in applying controls that will
13 enhance the ability of the State of Oklahoma to manage the overall
14 costs of human resources as efficiently as possible, while
15 continuing to maintain fairness to employees.

16 B. The Office of Management and Enterprise Services shall
17 produce an electronic report on an annual basis of all reallocation
18 decisions for career service positions.

19 C. The Office of Management and Enterprise Services shall
20 produce an electronic report on an annual basis of all transactions
21 in the career service and executive service involving the
22 establishment of new positions.

23 D. As a further control on human resource costs, the Governor
24 may declare a financial emergency or implement a freeze in hiring,

1 by declaring this section to be in effect. CompSource Oklahoma
2 shall not be subject to the provisions of this subsection. During
3 such periods, no audits of ~~classified~~ career service positions or
4 reallocation of ~~unclassified~~ executive service positions shall be
5 initiated or conducted at the request of an agency except at the
6 direction of the Governor. The provisions of the Oklahoma ~~Personnel~~
7 Career Service Act relating to agency-requested audits may be
8 suspended during such periods to the extent that they are in
9 conflict with this section. Provided, an audit at the request of an
10 employee who files a classification grievance shall be conducted
11 during such periods in accordance with the provisions of Section
12 840-4.3 of this title.

13 E. The provisions of this section shall not be construed to
14 suspend the responsibility of any agency to ensure that the duties
15 and responsibilities assigned to an employee are consistent with the
16 current classification of the employee.

17 SECTION 21. AMENDATORY 74 O.S. 2011, Section 840-2.16,
18 is amended to read as follows:

19 Section 840-2.16 Except as otherwise provided by law, any
20 ~~classified~~ career service, ~~unclassified~~ executive service or exempt
21 employee of the state, excluding members of boards and commissions,
22 institutions under the administrative authority of the Oklahoma
23 State Regents for Higher Education, employees of public school
24 districts and elected officials, on July 1 of each year, earning

1 less than the amount established in the Federal Poverty Guidelines
2 for a three-person household, issued each year in the Federal
3 Register by the United States Department of Health and Human
4 Services, shall receive the necessary grade or salary adjustment to
5 provide for a minimum annualized salary equal to the amount
6 established in the Federal Poverty Guidelines for a three-person
7 household, issued each year in the Federal Register by the United
8 States Department of Health and Human Services. Any ~~classified~~
9 career service, ~~unclassified~~ executive service or exempt employee of
10 the state, excluding members of boards and commissions, institutions
11 under the administrative authority of the Oklahoma State Regents for
12 Higher Education, employees of public school districts and elected
13 officials, employed after July 1, 2007, shall receive a minimum
14 annualized salary equal to the amount established in the Federal
15 Poverty Guidelines for a three-person household, issued each year in
16 the Federal Register by the United States Department of Health and
17 Human Services. This section shall not apply to those persons
18 employed pursuant to ~~paragraph 8 and paragraph 12 of subsection A of~~
19 Section 840-5.5 and Section 2241 of this title or those persons
20 employed pursuant to Section 1.6a of Title 53 of the Oklahoma
21 Statutes.

22 SECTION 22. AMENDATORY 74 O.S. 2011, Section 840-2.19,
23 as amended by Section 878, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
24 2017, Section 840-2.19), is amended to read as follows:

1 Section 840-2.19 ~~A.~~ The Director of the Office of Management
2 and Enterprise Services shall not approve any payroll claim for
3 payment for any agency unless said claim contains or is accompanied
4 by the certification by the administrative head of said agency or an
5 authorized employee of said agency that the persons named in said
6 claim have been appointed and employed in accordance with the
7 provisions of the Oklahoma ~~Personnel~~ Career Service Act and the
8 rules and orders promulgated pursuant to the provisions of the
9 Oklahoma ~~Personnel~~ Career Service Act. For purposes of this
10 section, "payroll claim" shall also include longevity payments made
11 pursuant to Section 840-2.18 of this title.

12 ~~B. If, as a result of a payroll audit, the Office of Management
13 and Enterprise Services finds that an agency has made payments of
14 salaries or wages contrary to the provisions of the Oklahoma
15 Personnel Act and the rules promulgated pursuant to the provisions
16 of the Oklahoma Personnel Act:~~

17 ~~1. Audit findings shall be promptly transmitted to the
18 appointing authority of the agency certifying the payroll claim or
19 claims involved;~~

20 ~~2. An audit conference with said agency shall be scheduled
21 within fifteen (15) days, at which time the audit exceptions will be
22 resolved or become a determination of error unless the parties to
23 the conference agree to a further review;~~

1 ~~3. If underpayments or overpayments made by said agency are~~
2 ~~deemed to be the result of administrative error, the agency which~~
3 ~~certified the payroll claim or claims in error shall refund to the~~
4 ~~employee the balance of the actual amounts due and owing to the~~
5 ~~payee or shall seek repayment from the payee of any amount paid in~~
6 ~~excess of the actual amount due and owing the payee;~~

7 ~~4. If an agency neglects or refuses to seek repayment after a~~
8 ~~determination that an error in payroll amount or amounts has been~~
9 ~~made, or to properly adjust a then current salary or wage, the~~
10 ~~Director of the Office of Management and Enterprise Services shall~~
11 ~~note an unresolved audit exception stating the agency involved and~~
12 ~~the person to whom said exception refers;~~

13 ~~5. Upon receipt of notification that a procedure to initiate~~
14 ~~repayment has been instituted by the certifying agency or that a~~
15 ~~protest has been filed with the Oklahoma Merit Protection~~
16 ~~Commission, said notice shall be withdrawn or waived by the Director~~
17 ~~of the Office of Management and Enterprise Services. Implementation~~
18 ~~of procedures provided in this section shall not operate to deny or~~
19 ~~delay payment of proper salaries or wages to any employee of this~~
20 ~~state;~~

21 ~~6. The provisions of this section regarding collections of any~~
22 ~~overpayment of salaries or wages by any agency to any state employee~~
23 ~~or officer shall not include any such overpayment made prior to July~~
24 ~~1, 1983;~~

1 ~~7. Recovery of overpayments from an employee shall include all~~
2 ~~overpayments occurring within one (1) year prior to the~~
3 ~~determination of error. Disbursement of underpayments to an~~
4 ~~employee shall include all underpayments made within a period of two~~
5 ~~(2) years prior to the determination of error; and~~

6 ~~8. If an agency discovers overpayment or underpayment errors~~
7 ~~through an internal audit, the agency shall recover overpayments~~
8 ~~from the employee or disburse underpayment amounts in accordance~~
9 ~~with this section. Prior to initiation of recovery of overpayments~~
10 ~~from an employee, the agency shall provide the employee with~~
11 ~~adequate notice and an opportunity to respond.~~

12 ~~C. The Director of the Office of Management and Enterprise~~
13 ~~Services shall not approve any payroll claim for payment for any~~
14 ~~agency for which a notification of an unresolved audit exception~~
15 ~~pursuant to this section has been filed, unless the person named in~~
16 ~~the audit exception has been removed from the payroll by the~~
17 ~~certifying agency, the overpayment has been converted by the agency,~~
18 ~~or the exception has been withdrawn or waived in writing by the~~
19 ~~Office of Management and Enterprise Services.~~

20 ~~D. Any sum on a payroll claim found to have been paid in excess~~
21 ~~of the actual amount due and owing may be recovered from the payee~~
22 ~~through the following procedures:~~

23 ~~1. Upon the determination that an error in payroll amount has~~
24 ~~been made, the agency which certified the claim or claims shall~~

1 ~~notify the payee in writing within ten (10) days from said~~
2 ~~determination. The notice to the payee shall contain:~~

- 3 ~~a. the amounts paid in error,~~
- 4 ~~b. the dates of said payments,~~
- 5 ~~c. the options available for repayment, and~~
- 6 ~~d. the right of the payee to protest the findings.~~

7 ~~Said notice shall also provide space for the payee to indicate~~
8 ~~an election of a repayment option or to protest the findings. Said~~
9 ~~election shall be required within thirty (30) days after the~~
10 ~~notification;~~

11 ~~2. If the payee is, at the time of said notification, an~~
12 ~~officer or employee of the agency seeking repayment, options~~
13 ~~available for repayment shall be by:~~

- 14 ~~a. lump sum cash repayment,~~
- 15 ~~b. reduction of the corrected current salary or~~
16 ~~miscellaneous payroll deduction in a lump sum or in~~
17 ~~installments over a term not to exceed the term in~~
18 ~~which the erroneous payments were made,~~
- 19 ~~c. reduction in accrued annual leave by an amount of time~~
20 ~~at the then current correct salary level equal in~~
21 ~~value to the total of the amount or amounts to be~~
22 ~~repaid, or~~
- 23 ~~d. any combination thereof;~~

1 ~~3. If the payee is, at the time of said notification, an~~
2 ~~officer or employee of an agency of the state other than the agency~~
3 ~~seeking repayment, the options provided by paragraph 2 of this~~
4 ~~subsection may be exercised by the payee with the approval of the~~
5 ~~then current employing agency. Payment of amounts deducted or~~
6 ~~charged against annual leave shall be paid to the agency seeking~~
7 ~~repayment by an appropriate miscellaneous claim for interagency~~
8 ~~payment. If a payroll deduction is elected pursuant to the~~
9 ~~provisions of this paragraph and employment is subsequently~~
10 ~~terminated, any balance remaining shall be deducted from any final~~
11 ~~payment otherwise due to the employee;~~

12 ~~4. If a payee who is, at the time of said notification, a~~
13 ~~permanent classified officer or employee of any agency of this state~~
14 ~~protests the determination of the error or the amount of said~~
15 ~~determination, the agency seeking repayment shall present, within~~
16 ~~five (5) days of the return of said protest, the facts in writing,~~
17 ~~the notice, and the protest of the payee, to the Oklahoma Merit~~
18 ~~Protection Commission. The Oklahoma Merit Protection Commission~~
19 ~~shall treat any such protest as a complaint pursuant to Section 840-~~
20 ~~1.9 of this title. The Commission and Executive Director, after~~
21 ~~investigation and hearing, shall make a determination which shall be~~
22 ~~binding on the agency. The salary or wages of any payee exercising~~
23 ~~the right to the protest shall not be suspended or reduced until a~~

1 ~~determination has been issued by the Oklahoma Merit Protection~~
2 ~~Commission and Executive Director;~~

3 ~~5. If the payee is no longer an employee of the state but~~
4 ~~agrees to repay the amount or amounts paid in error, repayment may~~
5 ~~be accepted:~~

6 ~~a. by lump sum cash repayment, or~~

7 ~~b. in installments over a period not to exceed twelve~~
8 ~~(12) months;~~

9 ~~6. If the payee is no longer an employee of the state, and does~~
10 ~~not respond or cannot be located within ten (10) days after mailing~~
11 ~~of the determination of error, or refuses repayment, the agency~~
12 ~~seeking repayment shall present the facts in writing to the Attorney~~
13 ~~General and shall send a copy to the Office of Management and~~
14 ~~Enterprise Services. The Attorney General shall determine what~~
15 ~~action may be taken to recover said amount; and~~

16 ~~7. Repayments other than by reduction in present salary or~~
17 ~~reduction in accrued annual leave for a payee currently employed by~~
18 ~~the agency seeking repayment shall be deposited in the General~~
19 ~~Revenue Fund unless the fund to which the amount in error was~~
20 ~~originally charged can be identified and was other than a General~~
21 ~~Revenue Fund appropriation. Said deposits shall be treated as~~
22 ~~nonrevenue receipts.~~

1 SECTION 23. AMENDATORY 74 O.S. 2011, Section 840-2.21,
2 as amended by Section 881, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2017, Section 840-2.21), is amended to read as follows:

4 Section 840-2.21 A. If a state employee, whether in the
5 ~~classified~~ career service or ~~unclassified~~ executive service, is
6 absent because of an illness or injury arising out of and sustained
7 in the course of his or her employment with the state, and for which
8 workers' compensation benefits have been filed, the employing agency
9 shall place the employee on leave without pay if the employee so
10 requests; provided, leave without pay pursuant to this section shall
11 not for any purpose be considered a break in service.

12 B. An employee who sustains an illness or injury arising out of
13 and sustained in the course of employment with the State of Oklahoma
14 shall not be required to use either accumulated sick or annual leave
15 during such period prior to being placed on leave without pay
16 pursuant to this section.

17 C. An employee placed on leave without pay pursuant to the
18 provisions of this section shall continue receiving basic plan
19 insurance coverage as defined in Section 1363 of this title and
20 dependent insurance benefit allowance pursuant to paragraph 2 of
21 subsection C of Section 1370 of this title paid by the agency during
22 the leave without pay.

23 D. An employee on leave without pay pursuant to the provisions
24 of this section shall have the right to be returned to his or her
25

1 original position in accordance with rules promulgated by the Office
2 of Management and Enterprise Services. If it is found necessary for
3 the good of the state to fill the position during the period the
4 employee is on leave without pay the employee filling the position
5 shall vacate the position upon the return of the employee on leave
6 without pay, subject to layoff, transfer or demotion rights earned
7 under the Oklahoma ~~Personnel~~ Career Service Act and rules of the
8 Office of Management and Enterprise Services. The right to return
9 to the original position shall expire one (1) year from the date of
10 the start of leave without pay. ~~The~~ Notwithstanding the provisions
11 of Title 85A of the Oklahoma Statutes, the employee may be separated
12 in accordance with the Oklahoma ~~Personnel~~ Career Service Act and
13 Office of Management and Enterprise Services Rules if the employee
14 has not returned to the original position of the employee or some
15 other position within the agency within one (1) year from the date
16 of the start of leave without pay.

17 E. An employee on leave without pay pursuant to the provisions
18 of this section shall provide a medical statement as to his or her
19 ability to perform the duties of the position to the appointing
20 authority at least every three (3) months.

21 F. If the employee becomes medically able with reasonable
22 accommodation to perform the duties of his or her original position,
23 the employee shall be returned to such position. If the employee is
24 unable to perform the duties of the original position with

1 reasonable accommodation, but is medically able with reasonable
2 accommodation to perform the duties of any other position within the
3 agency for which the employee is qualified, and appointment to such
4 other position does not constitute a promotion, the employee shall
5 have first preference for any such position which becomes vacant
6 within the agency, notwithstanding any other preference provisions
7 of the Oklahoma ~~Personnel~~ Career Service Act or of other laws of the
8 State of Oklahoma. "First preference" means that an agency must
9 consider an employee with an active workers' compensation claim for
10 an open position. The employee must inform the agency in writing of
11 his or her interest in being notified of open positions that would
12 not be a promotion. The employee must be able to physically perform
13 the duties of the job with or without a reasonable accommodation.
14 First preference is not a mandate to hire the employee. An employee
15 accepting another position pursuant to this subsection shall not
16 forfeit his or her right to be returned to the original position
17 within twelve (12) months after the start of leave without pay
18 pursuant to the provisions of subsection D of this section.

19 G. An ill or injured employee shall be eligible to participate
20 in the Disability Insurance Program established pursuant to the
21 provisions of Section 1331 et seq. of this title in accordance with
22 rules promulgated by the Office of Management and Enterprise
23 Services.

1 H. All benefits, rights, and obligations contained in this
2 section shall continue during the time the employee remains on leave
3 without pay status, for a continuous period not to exceed twelve
4 (12) months. However, if a workers' compensation claim based on
5 such illness or injury is denied during the twelve-month period, all
6 benefits, rights and obligations conferred upon an employee pursuant
7 to this section shall cease and be discontinued immediately.

8 I. A ~~classified~~ career service employee who is separated
9 pursuant to subsection D of this section shall be eligible for
10 reinstatement to employment with any state agency for twelve (12)
11 months after the date of separation whether in the ~~classified~~ career
12 service or ~~unclassified~~ executive service in accordance with rules
13 adopted by the Director of the Office of Management and Enterprise
14 Services provided the employee is qualified for the position to
15 which reinstated. An ~~unclassified~~ employee in executive service who
16 is separated pursuant to subsection D of this section shall be
17 eligible for reinstatement to ~~unclassified~~ executive service
18 employment with any state agency for twelve (12) months after the
19 date of separation in accordance with rules promulgated by the
20 Director of the Office of Management and Enterprise Services
21 provided the employee is qualified for the position to which
22 reinstated. Nothing in this subsection shall be construed to compel
23 or require any agency of the state to reinstate a former employee
24 who is separated pursuant to subsection D of this section. Further,

1 nothing in this subsection shall be construed as limiting or
2 reducing a former employee's eligibility for reinstatement pursuant
3 to other general reinstatement or reemployment provisions in rules
4 promulgated by the Director.

5 SECTION 24. AMENDATORY 74 O.S. 2011, Section 840-2.25,
6 is amended to read as follows:

7 Section 840-2.25 A. A ~~permanent classified~~ career service
8 employee or a ~~regular unclassified~~ executive service employee shall
9 be entitled to take leave with pay ~~for~~ not to exceed three (3) days
10 a year to attend meetings of job-related professional organizations
11 of which the employee is a member upon receiving permission from the
12 appointing authority. The denial by an appointing authority or
13 organizational leave shall be in writing and state the reasons for
14 denying said leave.

15 B. The leave authorized by this section shall not be used for
16 lobbying activities which include the lobbying of legislative or
17 executive branch elected officials within state-owned or leased
18 buildings.

19 SECTION 25. AMENDATORY 74 O.S. 2011, Section 840-2.27B,
20 is amended to read as follows:

21 Section 840-2.27B As used in Sections 840-2.27B through ~~840-~~
22 ~~2.27G~~ 840-2.27I of this title:

23 1. "Affected job family levels" means those containing affected
24 positions;

1 2. "Affected employees" means ~~classified~~ career service
2 employees in affected positions;

3 3. "Affected positions" means positions being abolished or
4 positions which are subject to displacement action;

5 4. "Agency" means any office, department, board, commission, or
6 institution of all branches of state government, except for
7 institutions within The Oklahoma State System of Higher Education;

8 5. "Displacement" or "displace" means the process of an
9 employee accepting an offer of employment to an occupied or funded
10 vacant position;

11 6. "Displacement limit" means any area within an agency in
12 which displacement may not occur. These areas may include, but are
13 not limited to, job families, units, and geographic areas within an
14 agency;

15 7. "Displacement opportunity" means the circumstances under
16 which an occupied or funded vacant position is subject to
17 displacement by an affected employee;

18 8. "Displacement privilege" means the privilege an affected
19 employee has to utilize a displacement opportunity;

20 9. "Educational institution" means an institution within The
21 Oklahoma State System of Higher Education, a facility under the
22 management or control of the Oklahoma Department of Career and
23 Technology Education, or a licensed private educational institution
24 in the State of Oklahoma;

25

1 10. "Personnel transaction" means the record of the separation
2 as a result of a reduction-in-force of a ~~classified~~ career service
3 affected employee from an agency, or the record of the transfer or
4 demotion of a ~~classified~~ career service affected employee;

5 11. "Reduction-in-force" means abolition of positions in an
6 agency or part of an agency and the corresponding nondisciplinary
7 removal of affected employees from such positions through separation
8 from employment or through displacement to other positions.

9 Reduction-in-force may also include reorganizations;

10 12. "Reorganization" means the planned elimination, addition or
11 redistribution of functions or duties either wholly within an
12 agency, any of its subdivisions, or between agencies;

13 13. "Severance benefits" means employee benefits provided by
14 the State Government Reduction-in-Force and Severance Benefits Act
15 to affected employees separated through a reduction-in-force; and

16 14. "Years of service" means current and prior service which is
17 creditable for the Longevity Pay Plan. An affected employee shall
18 not be required to have been continuously employed for two (2) years
19 to be given credit for either current or prior service pursuant to
20 the State Government Reduction-in-Force and Severance Benefits Act.

21 SECTION 26. AMENDATORY 74 O.S. 2011, Section 840-2.27C,
22 as amended by Section 884, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2017, Section 840-2.27C), is amended to read as follows:

1 Section 840-2.27C A. 1. At least sixty (60) days before the
2 scheduled beginning of reduction-in-force separations or as
3 otherwise provided by law, the appointing authority shall post in
4 each office of executive branch agencies affected by the proposed
5 reduction-in-force notice that a reduction-in-force will be
6 conducted in accordance with the Oklahoma ~~Personnel~~ Career Service
7 Act and ~~Merit rules~~ Career Service Rules for Employment. The
8 reduction-in-force implementation plan shall be provided to the
9 Director of the Office of Management and Enterprise Services and any
10 state employee association representing state employees at such
11 time. The notice shall not be posted unless approved by the cabinet
12 secretary for the agency conducting the reduction-in-force. If
13 there is no incumbent cabinet secretary for the agency, the cabinet-
14 secretary-notice-approval requirement shall not be applicable. If
15 the appointing authority is governed by an elected official, the
16 cabinet-secretary-notice-approval requirement shall not be
17 applicable. The approved notice shall be posted in each office
18 affected by the proposed plan for five (5) days. The appointing
19 authority shall provide a copy of the notice to the Administrator.
20 A reduction-in-force shall not be used as a disciplinary action.

21 2. The sixty-day notice provision contained in paragraph 1 of
22 subsection A of this section shall apply to both classified and
23 unclassified employees that receive severance benefits pursuant to
24 Section 840-2.27D of this title.

1 B. The reduction-in-force implementation plan and subsequent
2 personnel transactions directly related to the reduction-in-force in
3 executive branch agencies shall be in compliance with rules adopted
4 by the Administrator. The reduction-in-force implementation plan,
5 including the description of and reasons for displacement limits and
6 protections from displacement actions, and severance benefits that
7 will be offered pursuant to Section 840-2.27D of this title shall be
8 posted in each office affected by the plan within five (5) business
9 days after posting of the reduction-in-force notice. The reduction-
10 in-force implementation plan shall:

11 1. Provide for the appointing authority to determine the
12 specific position or positions to be abolished within specified
13 units, divisions, facilities, agency-wide or any parts thereof;

14 2. Provide for retention of affected employees based on type of
15 appointment;

16 3. Require the separation of probationary ~~classified~~ career
17 service affected employees in affected job family levels, except
18 those affected employees on probationary status after reinstatement
19 from permanent ~~classified~~ career service status without a break in
20 service, prior to the separation or displacement of any permanent
21 ~~classified~~ career service affected employee in an affected job
22 family level;

23 4. Provide for retention of permanent ~~classified~~ career service
24 affected employees in affected job family levels and those affected

1 employees on probationary status after reinstatement from permanent
2 ~~classified~~ career service status without a break in service based
3 upon consideration of years of service;

4 5. Provide for exercise of displacement opportunities by
5 permanent ~~classified~~ career service affected employees and those
6 affected employees on probationary status after reinstatement from
7 permanent ~~classified~~ career service status without a break in
8 service if any displacement opportunities exist; and

9 6. Provide outplacement assistance and employment counseling
10 from the Oklahoma Employment Security Commission and any other
11 outplacement assistance and employment counseling made available by
12 the agency to affected employees regarding the options available
13 pursuant to the State Government Reduction-in-Force and Severance
14 Benefits Act prior to the date that a reduction-in-force is
15 implemented.

16 C. If an agency implements a reduction-in-force then it shall
17 give a veteran's preference over affected nonveterans who have equal
18 retention points to the affected veteran.

19 D. The Director of the Office of Management and Enterprise
20 Services shall review the fiscal components of the reduction-in-
21 force implementation plan and within five (5) business days of
22 receipt reject any plan that does not:

23 1. Demonstrate that funds are available to cover projected
24 costs; and

1 2. ~~Contain an estimate of the number of affected employees~~
2 ~~likely to participate in the education voucher program established~~
3 ~~in Section 840-2.27D of this title; and~~

4 ~~3.~~ Contain an estimate of the cost savings or reduced
5 expenditures likely to be achieved by the agency.

6 If the reduction-in-force is conducted pursuant to a
7 reorganization, the fiscal components of the reduction-in-force
8 implementation plan shall contain reasons for the reorganization,
9 which may include, but not be limited to, increased efficiency,
10 improved service delivery, or enhanced quality of service.

11 E. The appointing authority may limit displacement of affected
12 employees at the time of a reduction-in-force. Displacement limits
13 shall not be subject to the approval of the Administrator. Any
14 limitation shall be based upon reasonable, written, articulated
15 criteria as certified by the appointing authority. If displacement
16 is limited, the appointing authority shall take action to avoid or
17 minimize any adverse impact on minorities or women.

18 1. The appointing authority may protect from displacement
19 action up to twenty percent (20%) of projected post-reduction-in-
20 force employees in affected positions within displacement limits;
21 provided, that any fractional number resulting from the final
22 mathematical calculation of the number of those positions shall be
23 rounded to the next higher whole number. The appointing authority
24 must explain why affected employees are being protected.

1 2. If the affected employee has not held within the last five
2 (5) years a position in the job family level or predecessor class in
3 which the affected employee is otherwise eligible for a displacement
4 opportunity, the appointing authority may determine that the
5 affected employee does not possess the recent relevant experience
6 for the position and deny in writing the displacement opportunity.

7 3. An affected permanent ~~classified~~ career service employee may
8 exercise a displacement privilege, if one exists, if the affected
9 employee has received an overall rating of at least "meets
10 standards", or its equivalent, on the most recent annual service
11 rating. If an affected employee has not been rated in accordance
12 with the time limits established in Section 840-4.17 of this title,
13 the employee shall be deemed to have received an overall rating of
14 at least "meets standards" or its equivalent on the most recent
15 service rating.

16 4. An affected employee who exercises a displacement privilege
17 pursuant to this section shall:

- 18 a. be required, as a condition of continued employment by
19 the agency, to sign an agreement, in a form to be
20 prescribed by the Director of the Office of Management
21 and Enterprise Services, acknowledging that the
22 employee had an opportunity to receive severance
23 benefits and affirmatively elected to exercise a
24 displacement privilege and to forego such benefits.

1 An affected employee who signs the agreement required
2 by this subparagraph waives any privilege which might
3 otherwise have been available to the affected employee
4 pursuant to the agreement for the provision of
5 severance benefits, and

6 b. not have the right to exercise any subsequent right to
7 receive severance benefits from the agency for which
8 the affected employee performs services on the date
9 that the employee exercises a displacement privilege.
10 The provisions of this section shall not prohibit any
11 person from exercising a displacement privilege in, or
12 accepting severance benefits from, more than one
13 agency during employment with the State of Oklahoma or
14 from the agency which the affected employee exercised
15 a displacement privilege in any future reduction-in-
16 force.

17 F. An affected employee who does not agree pursuant to Section
18 840-2.27E of this title to accept severance benefits and who does
19 not have a displacement opportunity or does not accept a
20 displacement opportunity shall be separated by the reduction-in-
21 force and shall not receive any severance benefits that would have
22 otherwise been provided pursuant to Section 840-2.27D of this title.

23 G. Permanent ~~classified~~ career service affected employees and
24 those affected employees on probationary status after reinstatement

1 from permanent ~~classified~~ career service status without a break in
2 service who were removed from a job family level by taking a
3 position in another job family level through displacement or
4 separated after foregoing severance benefits shall be recalled by
5 the agency to the job family level from which they were removed in
6 inverse order of removal before the agency may appoint other persons
7 to the job family level, from the employment ~~register~~ lists, by
8 internal action or from Priority Reemployment Consideration Rosters
9 as provided by this section. Upon declination of an offer of
10 reappointment to the job family level from which the employee was
11 removed or eighteen (18) months after the date of removal from the
12 job family level, whichever is first, this right to be recalled
13 shall expire.

14 H. The names of permanent ~~classified~~ career service affected
15 employees and those affected employees on probationary status after
16 reinstatement from permanent ~~classified~~ career service status
17 without a break in service who have been separated pursuant to the
18 State Government Reduction-in-Force and Severance Benefits Act, who
19 apply and meet all requirements for state jobs in the ~~classified~~
20 career service shall be placed on Priority Reemployment
21 Consideration Rosters for a maximum of eighteen (18) months after
22 the date of separation. Before any vacant position is filled by any
23 individual eligible for initial appointment from the employment
24 ~~register~~ lists, individuals on the Priority Reemployment

1 Consideration Rosters shall be given priority consideration for
2 reemployment by any state agency within eighteen (18) months after
3 the date of the reduction-in-force. Upon declination of an offer of
4 reemployment to a job family level having the same or higher pay
5 band than the job family level from which the employee was removed,
6 or eighteen (18) months after the date of separation, whichever is
7 first, this priority consideration for reemployment shall expire.
8 If an agency has posted a reduction-in-force plan and implementation
9 schedule, all affected employees in positions covered by the plan
10 and any within the displacement limits established by the appointing
11 authority of the agency who have been separated shall be eligible
12 for priority reemployment consideration.

13 I. If an agency or any part thereof is scheduled to be closed
14 or abolished as a result of legislation or a court order, the
15 affected employees, who would be eligible for Priority Reemployment
16 Consideration after their separation in accordance with subsection H
17 of this section, may apply and, if qualified and eligible, shall be
18 accorded Priority Reemployment Consideration not to exceed twelve
19 (12) months before the scheduled date of separation. If an agency
20 has posted a reduction-in-force plan and implementation schedule,
21 all affected employees in positions covered by the plan and any
22 within the displacement limits established by the appointing
23 authority of the agency shall be eligible for Priority Reemployment
24

1 Consideration beginning with the date the schedule is posted, not to
2 exceed twelve (12) months before the scheduled date of separation.

3 J. When the Legislature is not in session, the Contingency
4 Review Board may, upon the request of the Governor, direct agencies,
5 boards and commissions to reduce the number of employees working for
6 the agency, board or commission whenever it is deemed necessary and
7 proper. Such reduction shall be made pursuant to reduction-in-force
8 plans as provided in this section.

9 K. 1. When the Legislature is not in session, the Contingency
10 Review Board may, upon the request of the Governor, direct and
11 require mandatory furloughs for all state employees whenever it is
12 deemed necessary and proper. The Contingency Review Board shall
13 specify the effective dates for furloughs and shall note any
14 exceptions to state employees affected by same. All ~~classified~~
15 career service, unclassified, executive service or exempt or
16 ~~nonmerit~~ employees, including those employees of agencies or offices
17 established by statute or the Constitution, shall be affected by
18 such actions.

19 2. Mandatory furlough means the involuntary temporary reduction
20 of work hours or the placement of an employee on involuntary leave
21 without pay. Rules governing leave, longevity pay and participation
22 in the State Employees Group Health, Dental, Disability, and Life
23 Insurance program shall not be affected by mandatory furloughs.
24 Furlough, as provided for in this section or by rules adopted by the

1 Director of the Office of Management and Enterprise Services, shall
2 not be appealable under the provisions of the Oklahoma ~~Personnel~~
3 Career Service Act.

4 3. Notwithstanding existing laws or provisions to the contrary,
5 members of state boards and commissions shall not receive per diem
6 expenses during periods of mandatory furlough. The Contingency
7 Review Board shall additionally call upon elected officials, members
8 of the judiciary, and other public officers whose salary or
9 emoluments cannot be altered during current terms of office, to
10 voluntarily donate to the General Revenue Fund any portion of their
11 salary which would otherwise have been affected by a mandatory
12 furlough.

13 L. All agencies directed by the Contingency Review Board to
14 terminate or furlough employees, shall report the cumulative cost
15 savings achieved by the reductions-in-force or furloughs to the
16 Governor, President Pro Tempore of the Senate and Speaker of the
17 House of Representatives on a quarterly basis for one (1) year
18 following the effective date of the action.

19 M. The appointing authority of an agency which has an approved
20 reduction-in-force plan pursuant to the State Government Reduction-
21 in-Force and Severance Benefits Act may request the Director of the
22 Office of Management and Enterprise Services to appoint an
23 interagency advisory task force for the purpose of assisting the
24 agency and its employees with the implementation of the reduction-

1 in-force. The appointing authority of state agencies requested by
2 the Administrator to participate on a task force shall assign
3 appropriate administrative personnel necessary to facilitate the
4 necessary assistance required for the efficient implementation of
5 the approved reduction-in-force.

6 SECTION 27. AMENDATORY 74 O.S. 2011, Section 840-2.27D,
7 as amended by Section 885, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
8 2017, Section 840-2.27D), is amended to read as follows:

9 Section 840-2.27D A. Agencies shall provide severance benefits
10 to affected employees who are separated from the state service as a
11 result of a reduction-in-force due to a reorganization or any other
12 action by an agency which results in affected positions being
13 abolished and affected employees being severed from the state
14 service. Severance benefits shall be given to the following
15 categories of affected employees: permanent ~~classified~~ career
16 service affected employees and affected employees on probationary
17 status after reinstatement from permanent ~~classified~~ career service
18 status without a break in service; provided, however, affected
19 employees of the University Hospitals Authority must have been
20 continuously employed in the state service since on or before
21 January 1, 1995, to receive severance benefits. Pursuant to this
22 section and Section 840-5.1A of this title, state agencies may
23 provide severance benefits provided by this subsection to regular
24 ~~unclassified~~ executive service employees with one (1) year or more

1 continuous state service who are separated from the state service
2 for budgetary reasons; however, state agencies shall offer regular
3 ~~unclassified~~ executive service state employees with one (1) year or
4 more continuous state service who are separated from the state
5 service the same severance benefit as the affected employees in a
6 reduction-in-force if the ~~unclassified~~ executive service employees'
7 separation is as a result of the conditions causing the agency to
8 implement a reduction-in-force. Affected employees who qualify for
9 severance benefits pursuant to this section, in addition to the
10 payment of any compensable accrued leave or other benefits an
11 affected employee is eligible to receive upon separation from the
12 state service, shall receive severance benefits consisting of the
13 following elements:

- 14 1. All agency severance benefits shall provide the following:
 - 15 a. payment equal to the affected employee's current
16 health insurance premium for the affected employee
17 only for eighteen (18) months based on the cost of the
18 premium at the time of the reduction-in-force. The
19 appointing authority of the agency can ask the
20 Director of the Office of Management and Enterprise
21 Services to waive the severance benefit provision in
22 this subparagraph or to reduce the length of coverage
23 or subsequent severance benefit payment upon
24

1 demonstration of the agency's inability to fund the
2 full benefit,

3 b. a longevity payment, as prescribed by Section 840-2.18
4 of this title, in the amount which would otherwise be
5 paid to the affected employee on the affected
6 employee's next anniversary date. For the purposes of
7 this subparagraph, the University Hospitals Authority
8 shall calculate longevity for affected employees who
9 were members of the University Hospitals Authority
10 Model Personnel System pursuant to Section 3211 of
11 Title 63 of the Oklahoma Statutes for all state
12 service as would otherwise be determined by Section
13 840-2.18 of this title, and

14 c. outplacement assistance and employment counseling
15 prior to and after the reduction-in-force from the
16 Oklahoma Employment Security Commission and other
17 state or private entities that the entity may contract
18 with to assist individuals who may be impacted by a
19 reduction-in-force; and

20 2. In addition to the severance benefits provided by paragraph
21 1 of this subsection, agencies may give affected employees, ~~except~~
22 ~~as otherwise provided by paragraph 3 of this subsection,~~ severance
23 benefit packages based on any combination of the following options, ~~;~~
24 provided, that all affected employees who receive severance benefits

1 in the reduction-in-force shall be accorded uniform treatment
2 pursuant to the State Government Reduction-in-Force and Severance
3 Benefits Act:

- 4 a. up to one (1) week of pay, calculated by dividing the
5 affected employee's current annual salary by the whole
6 number fifty-two (52), for each year of service,
- 7 b. a maximum lump-sum payment of Five Thousand Dollars
8 (\$5,000.00), and
- 9 c. payment for accumulated sick leave or extended illness
10 benefits at up to one-half (1/2) of the affected
11 employee's hourly rate not otherwise used pursuant to
12 law for conversion to credited retirement credit; and

13 ~~3. An affected employee may direct payment of all or a portion~~
14 ~~of the affected employee's severance benefits to the options~~
15 ~~authorized by this paragraph by exercising an option to receive~~
16 ~~education vouchers for use in connection with the Reduction-in-Force~~
17 ~~Education Voucher Action Fund subject to the following requirements~~
18 ~~and rules of the Director of the Office of Management and Enterprise~~
19 ~~Services, provided that the agency offers to match employee~~
20 ~~severance funds pursuant to this paragraph. In such case:~~

- 21 ~~a. the affected employee may purchase One Dollar (\$1.00)~~
22 ~~in voucher credit for each One Dollar (\$1.00)~~
23 ~~contributed by the affected employee to the fund~~
24 ~~subject to a maximum affected employee contribution of~~

1 ~~Three Thousand Dollars (\$3,000.00) which may be~~
2 ~~matched by a maximum agency contribution of Three~~
3 ~~Thousand Dollars (\$3,000.00); provided, that the~~
4 ~~agency contribution shall not exceed the contribution~~
5 ~~of the affected employee,~~

6 ~~b. the affected employee may pay the cost for the voucher~~
7 ~~program directly, subject to the requirements of~~
8 ~~subparagraph a of this paragraph, or the employing~~
9 ~~agency of the affected employee may pay the cost of~~
10 ~~the voucher from funds which would otherwise have been~~
11 ~~used to make payments to the displaced affected~~
12 ~~employee pursuant to an election by the affected~~
13 ~~employee to receive severance benefits,~~

14 ~~e. no voucher issued pursuant to the provisions of this~~
15 ~~paragraph shall:~~

16 ~~(1) be redeemed by the affected employee for cash or~~
17 ~~anything of value other than the cost of tuition~~
18 ~~and fees at a public or private educational~~
19 ~~institution within the State of Oklahoma, or~~

20 ~~(2) be valid longer than a period of four (4) years~~
21 ~~from the date upon which the voucher is issued to~~
22 ~~the affected employee,~~

23 ~~d. the Director of the Office of Management and~~
24 ~~Enterprise Services shall pay tuition and fees~~

1 ~~directly to the educational institution and shall~~
2 ~~receive any refunds for payment of tuition and fees~~
3 ~~from the educational institution which shall be~~
4 ~~credited to the affected employee's account, and~~
5 e. ~~the Director of the Office of Management and~~
6 ~~Enterprise Services shall distribute to the affected~~
7 ~~employee and the agency any monies remaining in the~~
8 ~~affected employee's account after the voucher credit~~
9 ~~has expired. The distribution shall be based on the~~
10 ~~proportional share of contributions made by the~~
11 ~~affected employee and the agency.~~

12 B. Each affected employee who is separated from state service
13 as a result of a reduction-in-force after July 1, 1998, besides
14 being eligible for the eighteen (18) months of continuation
15 coverages provided by the Public Health Service Act, 42 U.S.C.,
16 Section 30066-1 et seq., i.e., health, dental, vision and healthcare
17 reimbursement account options, under this severance benefit, shall
18 also be eligible to elect additional continuation coverage for any
19 life insurance, in twenty-thousand-dollar units, on self or five-
20 thousand-dollar units, on dependents, and to continue participation
21 in the dependent care reimbursement account provided that these
22 additional coverages were in effect immediately prior to the
23 effective date of the reduction-in-force, the date of which shall
24 serve as the qualifying event date. Provided, that no coverage

1 elected for continuation through the Public Health Service Act for
2 the full eighteen-month period is allowed to lapse, then that
3 affected employee may elect to continue those same coverages for an
4 additional eighteen (18) months at whatever rate is then in effect.
5 This additional eighteen-month continuation period of coverage shall
6 be administered by the Oklahoma State Employees Benefits Council
7 following the initial eighteen-month period of continuation which
8 shall be administered by the COBRA office at the State and Education
9 Employees Group Insurance Board.

10 C. Part-time affected employees shall receive benefits pursuant
11 to this section on a prorated basis. Part-time employees shall have
12 been compensated for at least one thousand (1,000) hours during the
13 twelve (12) months immediately preceding the effective date of the
14 reduction-in-force to be eligible for severance benefits pursuant to
15 the State Government Reduction-in-Force and Severance Benefits Act.

16 D. No appointing authority shall grant affected employees in a
17 reduction-in-force severance benefits except as provided in this
18 section.

19 SECTION 28. AMENDATORY 74 O.S. 2011, Section 840-2.28,
20 as last amended by Section 2, Chapter 158, O.S.L. 2014 (74 O.S.
21 Supp. 2017, Section 840-2.28), is amended to read as follows:

22 Section 840-2.28 A. Agencies shall be authorized to provide
23 voluntary_out benefits to ~~permanent classified~~ career service
24 employees and ~~regular unclassified~~ executive service employees with

1 one (1) year or more of continuous state service who are voluntarily
2 separated from the state service in order to reduce or eliminate the
3 adverse impact of an imminent reduction-in-force. For purposes of
4 this section, "agency" or "agencies" shall include agencies, boards,
5 commissions, or departments of all three branches of state
6 government. Voluntary_out benefit payments made pursuant to this
7 section, in addition to the payment of any compensable accrued leave
8 and other benefits an employee who voluntarily separates is eligible
9 to receive upon separation from the state service, shall consist of
10 the following elements:

11 1. All agency voluntary_out benefits shall provide the
12 following:

- 13 a. payment equal to the employee's current health
14 insurance premium for the employee only for eighteen
15 (18) months based on the cost of the premium at the
16 time of the voluntary separation, and
- 17 b. a longevity payment, as prescribed by Section 840-2.18
18 of this title in the amount which would otherwise be
19 paid to the employee on the employee's next
20 anniversary date. For the purposes of this
21 subparagraph, the University Hospitals Authority shall
22 calculate longevity for employees who were members of
23 the University Hospitals Authority Model Personnel
24 System pursuant to Section 3211 of Title 63 of the

1 Oklahoma Statutes for all state service as would
2 otherwise be determined by Section 840-2.18 of this
3 title; and

4 2. In addition to the voluntaryout benefits provided by
5 paragraph 1 of this subsection, agencies may give employees, ~~except~~
6 ~~as otherwise provided by paragraph 3 of this subsection,~~ voluntaryout
7 out benefit packages based on any combination of the following
8 options, provided that all employees who are separated as a result
9 of the agency offer of a voluntaryout benefit pursuant to this
10 section in anticipation of the imminent reduction-in-force are
11 accorded uniform treatment pursuant to this section:

- 12 a. up to one (1) week of pay, calculated by dividing the
13 employee's current annual salary by the whole number
14 fifty-two (52), for each year of service,
- 15 b. a maximum lump-sum payment of Five Thousand Dollars
16 (\$5,000.00),
- 17 c. payment for accumulated sick leave or extended illness
18 benefits at up to one-half of the employee's hourly
19 rate not otherwise used pursuant to law for conversion
20 to credited retirement credit, and
- 21 d. payment of health benefit premiums as provided by the
22 Public Health Service Act, 42 U.S.C., Section 300bb-1
23 et seq., for a period not to exceed eighteen (18)
24 months. The agency shall not be authorized to make a

1 cash payment to the employee in lieu of the payment by
2 the agency of the cost of continued health care
3 coverage for the employee; and

4 ~~3. An employee may direct payment of all or a portion of the~~
5 ~~employee's voluntary out benefits to the options authorized by this~~
6 ~~paragraph by exercising an option to receive education vouchers for~~
7 ~~use in connection with the Reduction-in-Force Education Voucher~~
8 ~~Action Fund subject to the following requirements and rules of the~~
9 ~~Director of the Office of Management and Enterprise Services,~~
10 ~~provided that the agency offers to match employee voluntary out~~
11 ~~funds pursuant to this paragraph. In such case:~~

12 a. ~~the employee may purchase One Dollar (\$1.00) in~~
13 ~~voucher credit for each One Dollar (\$1.00) contributed~~
14 ~~by the employee to the fund subject to a maximum~~
15 ~~employee contribution of Three Thousand Dollars~~
16 ~~(\$3,000.00) which may be matched by a maximum agency~~
17 ~~contribution of Three Thousand Dollars (\$3,000.00);~~
18 ~~provided, that the agency contribution shall not~~
19 ~~exceed the contribution of the employee,~~

20 b. ~~the employee may pay the cost for the voucher program~~
21 ~~directly, subject to the requirements of subparagraph~~
22 ~~a of this paragraph, or the employing agency of the~~
23 ~~employee may pay the cost of the voucher from funds~~
24 ~~which would otherwise have been used to make payments~~

1 ~~to the displaced employee pursuant to an election by~~
2 ~~the employee to receive voluntary out benefits,~~
3 ~~e. no voucher issued pursuant to the provisions of this~~
4 ~~paragraph shall:~~

5 ~~(1) be redeemed by the employee for cash or anything~~
6 ~~of value other than the cost of tuition and fees~~
7 ~~at a public or private educational institution~~
8 ~~within the State of Oklahoma, or~~

9 ~~(2) be valid longer than a period of four (4) years~~
10 ~~from the date upon which the voucher is issued to~~
11 ~~the employee,~~

12 ~~d. the Director of the Office of Management and~~
13 ~~Enterprise Services shall pay tuition and fees~~
14 ~~directly to the educational institution and shall~~
15 ~~receive any refunds for payment of tuition and fees~~
16 ~~from the educational institution which shall be~~
17 ~~credited to the employee's account, and~~

18 ~~e. the Director of the Office of Management and~~
19 ~~Enterprise Services shall distribute to the affected~~
20 ~~employee and the agency any monies remaining in the~~
21 ~~employee's account after the voucher credit has~~
22 ~~expired. The distribution shall be based on the~~
23 ~~proportional share of contributions made by the~~
24 ~~employee and the agency.~~

1 B. Appointing authorities in agencies of the executive branch
2 shall submit to the Director of the Office of Management and
3 Enterprise Services and any state employee association representing
4 state employees at such time, prior to offering voluntary_out
5 benefits pursuant to this section, a plan with details on why the
6 agency has determined a reduction-in-force is imminent, the
7 anticipated impact of the imminent reduction-in-force on the agency
8 or part of the agency, the voluntary_out benefits the agency intends
9 to offer pursuant to this section and their cost, and how the agency
10 intends to execute the offer of the voluntary_out benefits. The
11 Director shall review the fiscal components of the plan and have ten
12 (10) business days to disapprove it.

13 C. Part-time employees who are eligible to receive voluntary_
14 out benefits shall receive benefits pursuant to this section on a
15 prorated basis. Part-time employees shall have been compensated for
16 at least one thousand (1,000) hours during the twelve (12) months
17 immediately preceding the separation of the employee due to the
18 employee's acceptance of a voluntary_out benefit.

19 D. An employee who accepts voluntary_out benefits pursuant to
20 this section shall not be eligible to accept any future voluntary_
21 out benefits pursuant to this section; provided, an employee may
22 receive more than one voluntary-out benefit if the employee's
23 position is being abolished due to a reorganization and a reduction-
24 in-force is imminent, and if the position is a different position

1 than the position for which the employee previously received the
2 benefit.

3 SECTION 29. AMENDATORY 74 O.S. 2011, Section 840-2.29,
4 is amended to read as follows:

5 Section 840-2.29 A ~~classified~~ career service employee who is
6 on-call shall be compensated for a minimum of two (2) hours of work
7 if the employee reports to a work location while in an on-call
8 status. This provision shall apply anytime the employee reports and
9 works less than two (2) hours.

10 SECTION 30. AMENDATORY 74 O.S. 2011, Section 840-3.1, as
11 amended by Section 892, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
12 2017, Section 840-3.1), is amended to read as follows:

13 Section 840-3.1 A. ~~Each supervisor employed as of January 1,~~
14 ~~1993, by a state agency, board or commission in the executive branch~~
15 ~~of state government, excluding those within The Oklahoma State~~
16 ~~System of Higher Education, shall attend, prior to December 31,~~
17 ~~1993, a training program for supervisory personnel. The training~~
18 ~~program shall be established pursuant to subsection C of this~~
19 ~~section.~~

20 ~~B.~~ Employees appointed to supervisory positions ~~after January~~
21 ~~1, 1993,~~ shall complete twenty-four (24) hours of training pursuant
22 to subsection ~~C~~ B of this section within twelve (12) months of
23 assuming such supervisory position. Thereafter, supervisors are
24 required to complete twelve (12) hours of training pursuant to

1 subsection ~~C~~ B of this section each year. The appointing authority
2 of each agency shall ensure each supervisory employee is notified
3 and scheduled to attend such required training and shall make time
4 available for each such employee to complete the training.

5 ~~C~~ B. 1. The Director of the Office of Management and
6 Enterprise Services shall promulgate any rules necessary to develop
7 and implement training programs for supervisory personnel which
8 shall include courses related to the effective performance of an
9 agency manager or supervisor. Rules authorized by this subsection
10 shall require supervisors to attend such training within a
11 reasonable period of time determined by the Director.

12 2. Training programs for supervisors under this section may be
13 approved by the Office of Management and Enterprise Services;
14 provided, however, such programs shall be subject to standards
15 developed by the Office of Management and Enterprise Services. All
16 state agencies, boards and commissions may participate in any such
17 government employee training program established by an institution
18 that is a member of The Oklahoma State System of Higher Education
19 and approved by the Office of Management and Enterprise Services as
20 provided for in this paragraph.

21 SECTION 31. AMENDATORY 74 O.S. 2011, Section 840-3.2, as
22 amended by Section 893, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
23 2017, Section 840-3.2), is amended to read as follows:
24

1 Section 840-3.2 There is hereby established within the Office
2 of Management and Enterprise Services, the ~~Carl Albert Public State~~ State
3 Internship Program. The purposes of the program shall be to assist
4 students at institutions of higher education in gaining experience
5 and knowledge in state government and to encourage recruitment of
6 such students to pursue careers in state government service. In
7 administering the program, the Director of the Office of Management
8 and Enterprise Services shall:

9 1. Consult with the chief administrative officers of the
10 legislative, executive, and judicial branches of government in
11 encouraging the establishment and development of intern positions
12 within their agencies;

13 2. Coordinate with the State Regents for Higher Education and
14 the appropriate public and private institutions of higher education
15 in Oklahoma in the development of a statewide internship program,
16 soliciting qualified applicants, and selecting participants;

17 3. Develop and coordinate a selection process for placing
18 individuals in intern positions. This selection process shall
19 provide for equal employment opportunities in accordance with state
20 and federal law;

21 4. Develop and coordinate a training plan for the internship
22 program which balances the need for training and exposure to new
23 ideas with the intern's and agency's need for on-the-job work
24 experience;

1 5. Develop guidelines for a compensation plan for interns
2 participating in this program; and

3 ~~6. Provide for recruitment in the regular state service of~~
4 ~~persons who have successfully completed the Executive Fellows~~
5 ~~Program provided for in Section 840-3.4 of this title~~ Promulgate any
6 rules necessary to develop, implement and maintain the State
7 Internship Program.

8 SECTION 32. AMENDATORY 74 O.S. 2011, Section 840-3.5, as
9 last amended by Section 5, Chapter 237, O.S.L. 2013 (74 O.S. Supp.
10 2017, Section 840-3.5), is amended to read as follows:

11 Section 840-3.5 The Office of Management and Enterprise
12 Services shall promulgate rules to provide that:

13 1. Upon successful completion of an internship ~~in the~~
14 ~~Undergraduate or Senior Undergraduate Internship Program or~~
15 ~~Executive Fellows Program,~~ a participant who has met all
16 requirements of education and experience ~~shall~~ may be eligible for
17 appointment to a position in the ~~classified or unclassified~~ career
18 service or executive service of the state and shall be deemed as
19 meeting all other statutory requirements;

20 2. Persons leaving ~~classified~~ career service or ~~unclassified~~
21 executive service positions in state government in order to take an
22 internship shall:

1 a. have the right to return to the previous position at
2 any time during the internship or upon completion of
3 the internship, and

4 b. continue to receive all fringe benefits they would
5 have received in their previous ~~classified~~ career
6 service or unclassified executive service positions;

7 ~~3. Participants in the Undergraduate Internship Program who~~
8 ~~were not public employees prior to accepting a position in the~~
9 ~~program shall be employed in accordance with paragraph 8 of~~
10 ~~subsection A of Section 840-5.5 of this title;~~

11 4. Participants in the ~~Senior Undergraduate~~ State Internship
12 Program who were not public employees prior to accepting a position
13 in the program ~~shall~~ may be employed in accordance with ~~paragraph 10~~
14 ~~of~~ subsection A of Section 840-5.5 of this title, except that they
15 shall be granted leave benefits commensurate with regular state
16 employees;

17 ~~5. Participants in the Executive Fellows Program who were not~~
18 ~~public employees prior to accepting a position in the program shall~~
19 ~~be appointed in accordance with paragraph 10 of subsection A of~~
20 ~~Section 840-5.5 of this title, except that they shall be granted~~
21 ~~leave benefits commensurate with regular state employees;~~

22 ~~6.~~ 4. Selection of interns shall be coordinated by the Office
23 of Management and Enterprise Services, but shall permit appropriate
24 involvement by institutions of higher education and state agencies

1 in order to ensure the integrity of the program, permit the
2 appropriate match between interns and agency assignments, and to
3 benefit the employing agency;

4 ~~7. The Director of the Office of Management and Enterprise
5 Services may waive the completion of six (6) semester hours of
6 approved graduate level work required by Section 840-3.4 of this
7 title for participation in the Executive Fellows Program for an
8 undergraduate intern enrolled in six (6) semester hours of approved
9 graduate level work and currently employed by a state agency;~~

10 ~~8. Establish compensation plans for interns; and~~

11 ~~9. 5. Empower the Office of Management and Enterprise Services
12 to intercede in an internship when the Office determines, at the
13 request of the intern, the agency, or the institution of higher
14 education at which the intern is enrolled, that an internship is not
15 functioning in accordance with guidelines established for the
16 program and that are necessary for the efficiency and integrity of
17 the program.~~

18 SECTION 33. AMENDATORY 74 O.S. 2011, Section 840-3.7, is
19 amended to read as follows:

20 Section 840-3.7 Provided that nothing in this act creating the
21 ~~Carl Albert Public~~ State Internship Program shall be construed to
22 limit the authority of state agencies and institutions of higher
23 education to continue or establish other internship programs or
24 positions.

1 SECTION 34. AMENDATORY 74 O.S. 2011, Section 840-3.11,
2 as amended by Section 896, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2017, Section 840-3.11), is amended to read as follows:

4 Section 840-3.11 The Director of the Office of Management and
5 Enterprise Services is hereby directed to establish programs to
6 facilitate the interchange of employees among state governmental
7 entities, to evaluate the efficient utilization and deployment of
8 state personnel, and to adopt rules necessary to carry out the
9 provisions of the State Personnel Interchange Program. The State
10 Personnel Interchange Program and rules promulgated hereunder shall
11 apply to both ~~unclassified and classified employee~~ executive and
12 career services.

13 SECTION 35. AMENDATORY 74 O.S. 2011, Section 840-3.12,
14 is amended to read as follows:

15 Section 840-3.12 All employees in the ~~classified and~~
16 ~~unclassified~~ career and executive service are eligible for
17 interchange.

18 SECTION 36. AMENDATORY 74 O.S. 2011, Section 840-3.13,
19 as amended by Section 897, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
20 2017, Section 840-3.13), is amended to read as follows:

21 Section 840-3.13 A. All personnel interchange assignments are
22 intended to be temporary in nature. An individual's period of
23 assignment to any receiving agency shall not exceed twelve (12)
24 months in any thirty-six-month period; ~~except that the period of~~

1 ~~assignment for mentor executives participating in the mentor program~~
2 ~~established by Section 840-3.8 of this title shall not exceed~~
3 ~~twenty-four (24) months in any thirty-six-month period.~~

4 B. An individual shall be assigned as a participating employee
5 only upon the individual's freely given written consent, without any
6 form of coercion or duress. Personnel interchanges shall be
7 executed by mutual consent agreement by the appointing authority of
8 the sending agency, the appointing authority of the receiving
9 agency, and the participating individual.

10 C. A participating employee shall be considered an employee of
11 the sending agency for all purposes other than supervision. The
12 receiving agency shall be responsible for all costs and liabilities
13 arising from the performance of work assigned to the participating
14 employee by the receiving agency which is found to be contrary to
15 law and public policy by a court of competent jurisdiction.

16 D. A participating ~~classified or unclassified~~ career or
17 executive service employee may be assigned to a ~~classified or~~
18 ~~unclassified~~ career or executive service position for the duration
19 of the assignment without regard to the status of the employee in
20 the sending agency.

21 E. Work assigned to a participating employee by a receiving
22 agency shall be exempt from the classification and compensation
23 provisions of the Oklahoma ~~Personnel~~ Career Service Act. Further,
24 although all agencies are encouraged to resolve employee complaints

1 at the lowest possible level, nothing in this section shall be
2 construed to require a receiving agency to establish or adopt a
3 grievance procedure pursuant to Section 840-6.2 of this title, to
4 hear formal grievances, or to designate a grievance manager.

5 Whenever an interchange agreement is terminated in accordance with
6 the Oklahoma ~~Personnel~~ Career Service Act and rules promulgated by
7 the Director of the Office of Management and Enterprise Services,
8 the participating employee shall be entitled to return to the
9 previous class or job family level of the employee or its successor
10 class or job family level, if one exists in the sending agency.

11 Otherwise, the reduction-in-force provision of Section ~~840-2.27~~ 840-
12 2.27C of this title shall apply.

13 F. Except as provided in subsection E of this section, a
14 participating employee who is assigned to a receiving agency shall
15 neither lose, or suffer diminution of, any right, power, privilege,
16 or benefit to which the employee would otherwise be entitled,
17 including but not limited to salary, seniority, promotion,
18 reinstatement, insurance, retirement, ~~classified or unclassified~~
19 career or executive service status, ~~progressive discipline~~ career
20 coaching, and use of grievance and appeals procedures. An
21 employee's class or job family level shall not be adversely affected
22 by another employee's participation in an interchange.

23 G. Any participating employee who suffers injury, occupational
24 disease, or death, arising out of and in the course of an assignment

1 to a receiving agency or sustained in the discharge of duties in
2 connection with said assignment shall be considered an employee of
3 the sending agency, and shall not be deprived by virtue of
4 participating in said program of any right or expectancy that would
5 otherwise accrue pursuant to the laws of this state governing labor
6 and workers' compensation.

7 H. Except as provided in this section, a participating employee
8 shall neither receive nor accept any compensation from the receiving
9 agency to which the employee is assigned. Any receiving agency
10 shall, in accordance with any applicable laws and policies,
11 reimburse the per diem and travel expenses of any participating
12 employee assigned thereto.

13 I. Nothing in the State Personnel Interchange Program is
14 intended to preclude the adoption of rules governing the interchange
15 of employees of state governmental entities via other interchange
16 provisions, such as leaves of absence without pay and career
17 executive appointments.

18 SECTION 37. AMENDATORY 74 O.S. 2011, Section 840-4.1, is
19 amended to read as follows:

20 Section 840-4.1 A. The Governor of the State of Oklahoma is
21 hereby empowered and authorized by an Executive Order to place any
22 agency, and the employees thereof, except positions exempted from
23 the ~~classified~~ career service as stipulated by said Order, under the
24 ~~Merit Career Service~~ Merit Career Service System of ~~Personnel~~ Human Resources

1 Administration prescribed by the Oklahoma ~~Personnel~~ Career Service
2 Act and the rules promulgated thereunder. Further, the Governor may
3 issue an Executive Order to place any position exempted from the
4 ~~Merit~~ Career Service System by Executive Order and its incumbent
5 under the ~~Merit~~ Career Service System. This section shall not
6 authorize the removal of any agency, position, or employee placed
7 under the ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
8 Administration.

9 B. The provisions of the ~~Merit System of Personnel~~
10 ~~Administration~~ Career Service Rules for Employment shall not be
11 extended to any agency except by Executive Order as provided in this
12 section or by legislation.

13 C. The placement of an agency under the ~~Merit System of~~
14 ~~Personnel Administration~~ Career Service Rules for Employment covers
15 functions, positions, and employees in an agency on the effective
16 date of the legislation or the Executive Order and functions,
17 positions, and employees subsequently added to the agency, unless
18 otherwise provided by law.

19 D. Upon placement of an agency under the ~~Merit~~ Career Service
20 System of ~~Personnel~~ Human Resources Administration by Executive
21 Order or legislation, subsequent changes in the name of the agency,
22 its organization or structure, or repeal of statutory language
23 placing the agency under the ~~Merit~~ Career Service System shall not
24 alone be construed to remove the agency from the ~~Merit~~ Career

1 Service System. An agency shall be removed from the ~~Merit~~ Career
2 Service System by enacting legislation which affirmatively declares
3 the agency is removed from the ~~Merit~~ Career Service System of
4 ~~Personnel~~ Human Resources Administration.

5 E. Upon placement of an agency under the ~~Merit~~ Career Service
6 System of ~~Personnel~~ Human Resources Administration by Executive
7 Order or legislation, the agency shall abide by the provisions of
8 the ~~Merit System of Personnel Administration Rules~~ Career Service
9 Rules for Employment and the Oklahoma ~~Personnel~~ Career Service Act.

10 Statutory provisions not included in the Oklahoma ~~Personnel~~ Career
11 Service Act that authorize agencies to effect personnel
12 transactions, including but not limited to preparing personnel
13 schedules, employing and appointing personnel, defining their duties
14 and fixing their salaries or compensation shall be interpreted as
15 authorizing agencies to effect personnel transactions within the
16 provisions of the Oklahoma ~~Personnel~~ Career Service Act and the
17 rules promulgated thereunder unless the Legislature expresses a
18 contrary intent.

19 SECTION 38. AMENDATORY 74 O.S. 2011, Section 840-4.2, as
20 amended by Section 900, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
21 2017, Section 840-4.2), is amended to read as follows:

22 Section 840-4.2 A. Except as otherwise provided by law,
23 effective on the date an ~~unclassified~~ executive service employee is
24 made subject to the ~~Merit~~ Career Service System of ~~Personnel~~ Human

1 Resources Administration by virtue of an Executive Order issued
2 pursuant to Section 840-4.1 of this title or legislation, the
3 employee shall be given status in the job family level to which the
4 position occupied by the employee is initially allocated by the
5 Office of Management and Enterprise Services. The employee shall
6 not be required to take any ~~examination~~ assessment or qualify for
7 the job family level, and the salary of the employee shall not be
8 reduced as a result of such initial allocation. The status of the
9 employee shall be determined as follows:

10 1. An employee who has been continuously employed by the agency
11 for a minimum of twelve (12) months immediately preceding the date
12 on which the employee is made subject to the provisions of the ~~Merit~~
13 Career Service System shall be given permanent status in the
14 ~~classified~~ career service.

15 2. An employee who has been continuously employed by the agency
16 for less than twelve (12) months on the date the employee is made
17 subject to the provisions of the ~~Merit~~ Career Service System shall
18 be given probationary status in the ~~classified~~ career service. Such
19 employee may obtain permanent status in the ~~classified~~ career
20 service twelve (12) months after the employee's entry-on-duty date
21 with the agency pursuant to the provisions of the ~~Merit~~ Career
22 Service System.

23 B. Persons appointed to the ~~classified~~ career service of any
24 agency under the ~~Merit~~ Career Service System shall achieve

1 ~~classified~~ career service status only in accordance with the
2 ~~Oklahoma Merit System of Personnel Administration~~ Career Service
3 Rules for Employment promulgated pursuant to the Oklahoma ~~Personnel~~
4 Career Service Act.

5 C. Any ~~classified~~ career service employee who is serving in a
6 position on the effective date of the removal of the position from
7 the ~~classified~~ career service and placement into the ~~unclassified~~
8 executive service shall have the option of retaining the employee's
9 ~~classified~~ career status. Any such employee who elects to change
10 from ~~classified~~ career to ~~unclassified~~ executive status shall so
11 indicate in writing. If the employee chooses to remain in the
12 ~~classified~~ career service, the position occupied by the employee
13 shall remain in the ~~classified~~ career service until the employee
14 either vacates the position or elects ~~unclassified~~ executive status.
15 All future appointees to such positions shall be in the ~~unclassified~~
16 executive service.

17 SECTION 39. AMENDATORY 74 O.S. 2011, Section 840-4.3, as
18 amended by Section 901, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2017, Section 840-4.3), is amended to read as follows:

20 Section 840-4.3 A. The Office of Management and Enterprise
21 Services shall conduct audits of positions in the ~~classified~~ career
22 service to determine the proper job family to which a position is
23 allocated, and may delegate the auditing function to an agency
24 ~~pursuant to subsection E of Section 840-1.15 of this title.~~

1 Appointing authorities have control of positions within their agency
2 and have the authority to organize their agencies, to create
3 positions, to abolish positions and to prescribe or change the
4 duties and responsibilities assigned to any position or employee at
5 any time and shall determine the level within a job family at which
6 duties and responsibilities are assigned. The Director of the
7 Office of Management and Enterprise Services shall adopt rules
8 establishing policies and procedures for appointing authorities to
9 follow when determining the job family level at which duties and
10 responsibilities are assigned within their agencies. Such rules
11 shall include a process for review by the Office of Management and
12 Enterprise Services of internal classification grievances of job
13 family level assignments which cannot be resolved at the agency
14 level. Individual audits of positions shall be conducted at the
15 request of the appointing authority based on information provided by
16 the agency. An incumbent employee will be given an opportunity to
17 respond; however, the Office of Management and Enterprise Services
18 will rely on the appointing authority for an official listing of the
19 duties and responsibilities of the position.

20 B. The appointing authority has the responsibility to ensure
21 that employees are properly classified and that the work performed
22 conforms to the appropriate job family descriptor describing the
23 position. Employees shall be classified in accordance with the work
24 they are assigned on a regular and consistent basis as an integral

1 part of their normal work assignment and job family descriptor. An
2 employee has the right and responsibility to file a classification
3 grievance, as provided by law and rule, when duties performed on a
4 regular and consistent basis do not conform to the job family
5 descriptor. An employee is entitled to the compensation assigned to
6 the job family level for which duties were performed on a regular
7 and consistent basis. This provision does not entitle the employee
8 to a higher job family level. Agency classification and
9 reclassification decisions shall not be subject to appeal to the
10 Oklahoma ~~Merit Protection~~ Career Service Commission. However, the
11 involuntary removal of a permanent employee in permanent status in a
12 job family level to a lower level in the same job family or to
13 another job family level assigned a lower pay band shall be
14 considered a demotion. Such action may be appealed by the employee
15 to the Oklahoma ~~Merit Protection~~ Career Service Commission. Any
16 reclassification of a career service employee to a different job
17 with the same or lower pay band assignment that does not result in a
18 loss of compensation is a "classification adjustment".
19 Classification adjustments may be voluntary or involuntary and may
20 not be appealed to the Oklahoma Career Service Commission. The
21 Director of the Office of Management and Enterprise Services shall
22 adopt rules pursuant to subsection A of this section which shall
23 include a process for review by the Office of Management and
24 Enterprise Services of internal classification grievances of job

1 family level assignments which cannot be resolved at the agency
2 level.

3 C. Job family descriptors shall be used for the purpose of
4 distinguishing one job family from another as clearly and
5 definitively as possible in order that positions may be properly
6 allocated and employees may be properly classified in accordance
7 with this section. Job family descriptors shall be applied in
8 accordance with the following:

9 1. The position description questionnaire and job family
10 descriptors shall be interpreted and applied as a composite picture
11 of the job requirements. An employee is not required to perform all
12 of the work operations described in a job family descriptor in order
13 to be eligible for classification thereunder. An employee is not
14 eligible or entitled to classification by reason of performing
15 isolated or singular duties incidental to the job but which are
16 described in another job family descriptor. Employees are entitled
17 to the job family level they are currently assigned.

18 2. An employee normally performs some of the work of higher-
19 rated jobs and some of the work of lower-rated jobs when required.
20 The normal duties of an employee may include assistance to others.

21 3. An employee is required to perform the work operations and
22 duties described or appraised as being covered by a job family
23 descriptor pursuant to that degree or amount of guidance or
24

1 instruction which is considered regular and consistent in order to
2 qualify for the classification.

3 SECTION 40. AMENDATORY 74 O.S. 2011, Section 840-4.9, is
4 amended to read as follows:

5 Section 840-4.9 Certified teachers employed to serve as
6 administrators, counselors, librarians or to teach by the state,
7 under the ~~Merit~~ Career Service System of Personnel Human Resources
8 Administration, shall be entitled to all benefits granted other
9 state employees of the agency, board, commission, department or
10 institution by which they are employed. Such teachers shall also be
11 entitled to all benefits and privileges of their profession,
12 including the right to participate in the Public Employees'
13 Retirement System, or the Oklahoma Teachers' Retirement System at
14 the option of the teacher and the right of membership and
15 participation in the Oklahoma Education Association and all other
16 professional associations and organizations of their choice.

17 SECTION 41. AMENDATORY 74 O.S. 2011, Section 840-4.11,
18 as amended by Section 906, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2017, Section 840-4.11), is amended to read as follows:

20 Section 840-4.11 The Director may promulgate rules to provide
21 for the establishment of noncompetitive appointments including, but
22 not limited to, the positions of unskilled labor, attendants, aides,
23 food service helpers, or custodial or similar types of employment
24 when the character of the work makes it impracticable to supply the

1 needs of the service effectively by ~~competitive examination~~
2 assessment. All such persons appointed shall serve a probationary
3 period in accordance with the rules adopted by the Office of
4 Management and Enterprise Services and the provisions of the laws of
5 the State of Oklahoma and shall acquire permanent status and be
6 subject to the same rules as other ~~classified~~ career service
7 employees.

8 SECTION 42. AMENDATORY 74 O.S. 2011, Section 840-4.12,
9 as last amended by Section 1, Chapter 80, O.S.L. 2014 (74 O.S. Supp.
10 2017, Section 840-4.12), is amended to read as follows:

11 Section 840-4.12 A. The Director of the Office of Management
12 and Enterprise Services shall be responsible for conducting
13 promotional ~~examinations~~ assessments and entrance ~~examinations~~
14 assessments as required under the Oklahoma ~~Personnel~~ Career Service
15 Act. Such ~~examinations~~ assessments shall be of such character as to
16 determine the qualifications, fitness and ability of the persons
17 ~~tested~~ to perform the duties of the job family or job family level
18 for which such ~~tests or examinations~~ assessments are given.

19 Provided, however, ~~tests and examinations~~ assessments of persons
20 with severe disabilities who have satisfactorily completed
21 vocational and technical education courses in vocational training
22 units or divisions approved by the State Department of
23 Rehabilitation Services shall be limited in scope so as to relate to
24 the skill and physical capability required for a particular

1 position. Adequate public notice shall be given of all ~~examinations~~
2 assessments except for promotion within a department or agency.
3 Notwithstanding any other provision of law, the Director may keep
4 confidential all promotional ~~examinations~~ assessments, entrance
5 ~~examinations~~ assessments, and any other ~~testing~~ assessments
6 materials, but the Director shall be required to disclose them
7 pursuant to a valid order from a court of competent jurisdiction and
8 establishment of a protective order prohibiting public disclosure of
9 the ~~examinations~~ assessments and materials.

10 B. No person shall be required to take an entrance ~~examination~~
11 assessment for an appointment to a job family level requiring
12 licensing by a state agency if that person has been previously
13 tested and is currently licensed by the State of Oklahoma.

14 C. Promotional ~~examinations~~ assessments for promotion within an
15 agency, unless requested by the agency, shall not be required;
16 provided that the promotion is in accordance with a plan adopted by
17 the Director and is in accordance with a plan adopted by the
18 promoting agency. Every employee promoted within an agency or
19 following an intra-agency lateral transfer shall serve a six-month
20 trial period in the job level to which the employee is promoted or
21 transferred, unless the trial period is waived, in writing, by the
22 appointing authority. However, when a Department of Human Services
23 employee transfers from any job classification to become a Child
24 Welfare Specialist I, II, III or IV, the trial period shall be for

1 one (1) year. At any time during a trial period, the appointing
2 authority may return the employee to the level from which the
3 employee was promoted upon written notification by the appointing
4 authority to the employee as to such action and the reason therefor,
5 and the employee shall not have the right to appeal.

6 D. ~~The Director shall accept Certificates of Proficiency issued~~
7 ~~by accredited private or public schools, colleges or the Oklahoma~~
8 ~~Employment Security Commission in lieu of typing and shorthand~~
9 ~~tests.~~

10 ~~E.~~ The Office of Management and Enterprise Services shall
11 certify that a candidate meets the necessary job qualifications for
12 a job family level in the ~~classified~~ career and executive service
13 for the purpose of allowing that candidate to be appointed to a job.
14 The Director of the Office of Management and Enterprise Services may
15 delegate the certification function provided by this section to an
16 agency ~~pursuant to subsection A of Section 840-1.15 of this title.~~
17 Any statute which creates any position or qualifications for any
18 position in the ~~classified~~ career service shall not be construed to
19 limit the power of the Director to interpret or add to those
20 qualifications in a reasonable manner consistent with the intent of
21 the Legislature and the duties of that position. Any statute which
22 empowers any agency head or other employer to hire or nominate
23 persons for employment within the ~~classified~~ career service shall
24 not be construed to empower that agency head or other employer to

1 waive or modify any qualification or rule for employment established
2 by the Director. The Director shall not be construed to have the
3 authority to limit or reduce any qualification established by
4 statute for any position. The constructions established herein
5 shall apply to any statutes or positions heretofore or hereafter
6 created unless that statute clearly and specifically states that
7 such constructions do not apply.

8 ~~F.~~ E. Subsections A through ~~E~~ D of this section shall not apply
9 to special disabled veterans who are considered for employment under
10 the provisions of Sections 401 through 404 of Title 72 of the
11 Oklahoma Statutes. Provided, said veterans may elect instead to be
12 considered for employment according to the procedures set out in
13 subsections A through ~~E~~ D of this section.

14 ~~G.~~ F. Subsections A through ~~E~~ D of this section shall not apply
15 to persons with severe disabilities who are considered for
16 employment under the provisions of this subsection. Provided, said
17 persons may elect instead to be considered for employment according
18 to the procedures set out in subsections A through ~~E~~ D of this
19 section.

20 1. As used in this subsection "persons with severe
21 disabilities" means persons certified as having disabilities
22 according to standards and procedures established by the Director.
23 Said standards and procedures shall be developed by the Director of
24 the Office of Management and Enterprise Services with the assistance

1 of the Office of ~~Handicapped~~ Disability Concerns, and the State
2 Department of Rehabilitation Services.

3 2. Agencies of this state may employ persons with severe
4 disabilities who are legal residents of the state in competitive and
5 noncompetitive jobs. Except for the requirement of minimum
6 qualifications specified in applicable job specifications, such
7 persons with disabilities shall be exempt from entrance ~~examinations~~
8 assessments and hiring procedures administered by the Office of
9 Management and Enterprise Services pursuant to this section and
10 Section 840-4.13 of this title.

11 3. Persons with severe disabilities hired pursuant to this
12 subsection shall be appointed for a probationary period pursuant to
13 Section 840-4.13 of this title.

14 4. Persons with severe disabilities hired pursuant to this
15 subsection shall be subject to the rules of the Director of the
16 Office of Management and Enterprise Services.

17 5. The Office of Management and Enterprise Services shall
18 maintain records regarding the employment of persons with severe
19 disabilities by state agencies and shall report the number of
20 persons so employed in its annual report for the Office of
21 Management and Enterprise Services required by Section 840-1.6A of
22 this title.

23 ~~H. 1. This subsection shall be known and may be cited as the~~
24 ~~"Fair Employment Practices Act".~~

1 ~~2. Agencies of this state may use the optional hiring procedure~~
2 ~~provided in this subsection to employ females, blacks, Hispanics,~~
3 ~~Asian/Pacific Islanders and American Indians/Alaskan natives, as~~
4 ~~defined by the Equal Employment Opportunity Commission, who are~~
5 ~~legal residents of the state in competitive and noncompetitive jobs.~~
6 ~~Individuals must meet the minimum qualifications and pass any~~
7 ~~required examinations established by the Office of Management and~~
8 ~~Enterprise Services or by statute. Except for any required~~
9 ~~examinations and minimum qualifications specified in applicable job~~
10 ~~specifications, such persons shall be exempt from the hiring~~
11 ~~procedures administered by the Office of Management and Enterprise~~
12 ~~Services. Persons may only be employed under this subsection in a~~
13 ~~job family level, group or category which has been identified as~~
14 ~~underutilized and in which an appropriate hiring goal has been set~~
15 ~~in the state agency's affirmative action plan approved by the Office~~
16 ~~of Management and Enterprise Services. In addition, the appointing~~
17 ~~authority of the employing agency must determine that a manifest~~
18 ~~imbalance exists which justifies remedial action pursuant to this~~
19 ~~subsection in order to reach the affirmative action hiring goal.~~
20 ~~Provided further, that eligible war veterans, as defined by Section~~
21 ~~67.13a of Title 72 of the Oklahoma Statutes, who are members of the~~
22 ~~group for which a hiring goal has been set shall be considered by~~
23 ~~the employing agency before a nonveteran is appointed pursuant to~~
24 ~~this subsection.~~

1 ~~3. To be eligible for appointment, the persons who are members~~
2 ~~of the group for which a hiring goal has been set must score within~~
3 ~~the top ten scores of other available members of said group based on~~
4 ~~any examination or rating of education and experience.~~

5 ~~4. Persons hired pursuant to this subsection shall be appointed~~
6 ~~for a probationary period pursuant to Section 840-4.13 of this~~
7 ~~title.~~

8 ~~5. Upon acquiring permanent status, the employee shall be~~
9 ~~subject to the rules and regulations of the Office of Management and~~
10 ~~Enterprise Services and to full rights and entitlements of state~~
11 ~~employees in the classified service.~~

12 ~~6. The authority for an agency to make appointments pursuant to~~
13 ~~this subsection shall be temporary and shall cease when the~~
14 ~~appointing authority of an agency can no longer justify remedial~~
15 ~~action pursuant to this subsection.~~

16 ~~7. The Office of Management and Enterprise Services shall~~
17 ~~maintain records regarding the employment of persons by state~~
18 ~~agencies pursuant to this subsection and shall report the number of~~
19 ~~persons so employed in its annual report for the Office of~~
20 ~~Management and Enterprise Services required by Section 840-1.6A of~~
21 ~~this title.~~

22 SECTION 43. AMENDATORY 74 O.S. 2011, Section 840-4.13,
23 as amended by Section 908, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
24 2017, Section 840-4.13), is amended to read as follows:

1 Section 840-4.13 A. Based upon the results of competitive
2 entrance ~~examinations~~ assessments and ~~registers~~ lists, as provided
3 by the Oklahoma ~~Personnel~~ Career Service Act, the Director of the
4 Office of Management and Enterprise Services shall ~~certify to~~ notify
5 the appointing authority of the ~~names of the ten~~ persons receiving
6 the highest grade or score in ~~said examinations plus all eligible~~
7 ~~applicants whose grade or score is tied with the lowest ranking of~~
8 ~~those so eligible~~ the assessment. The Office of Management and
9 Enterprise Services shall promulgate rules for the implementation of
10 this section.

11 B. In addition to establishing statewide ~~registers~~ lists
12 pursuant to subsection A of this section, the Director is hereby
13 authorized to promulgate rules creating a ~~local register~~ additional
14 lists to fill a vacancy in a ~~local office of an agency by providing~~
15 ~~a certificate of available names of eligible persons who are~~
16 ~~residents of the county where the local office is located or said~~
17 ~~county and adjacent counties or a group of contiguous counties~~
18 ~~comprising a service area of an agency. Available eligible~~
19 ~~residents shall be certified ahead of other available eligible~~
20 ~~persons who reside outside the area of the local register. In~~
21 ~~filling vacant positions, the appointing authority shall select any~~
22 ~~one of the persons whose names have been so certified and may give~~
23 ~~preference in all cases to persons who have resided in this state~~
24 ~~for at least one (1) year prior to the date of the examination.~~

1 ~~Provided, however, that any appointing authority authorized to~~
2 ~~employ persons who are not citizens of the United States, pursuant~~
3 ~~to Section 255 of this title, may request the Office to certify only~~
4 ~~the names of persons who are citizens of the United States in~~
5 ~~carrying out the provisions of this section; and such appointing~~
6 ~~authority may select any person so certified to the Director to fill~~
7 ~~such vacant positions even though a noncitizen may have received a~~
8 ~~higher grade on the examination. Provided, further, that any~~
9 ~~appointing authority may select special disabled veterans considered~~
10 ~~for employment pursuant to Sections 401 through 404 of Title 72 of~~
11 ~~the Oklahoma Statutes. The Department of Public Safety, in filling~~
12 ~~vacancies for Highway Patrol Cadets, may disqualify any eligible~~
13 ~~whose name has been certified for Highway Patrol Cadet pursuant to~~
14 ~~subsection A of this section, if the Department of Public Safety~~
15 ~~considers the eligible in connection with the hiring of three other~~
16 ~~eligibles pursuant to subsection A of this section from that~~
17 ~~certificate. The name of such disqualified eligible shall be~~
18 ~~omitted from further certification to, and consideration by, the~~
19 ~~Department of Public Safety for appointment as a Highway Patrol~~
20 ~~Cadet to the Highway Patrol Academy for which vacancies are being~~
21 ~~filled. Such disqualification shall neither deprive any person of~~
22 ~~any preference pursuant to paragraph 3 of subsection A of Section~~
23 ~~840-4.14 of this title nor deprive any person from certification to,~~
24 ~~and consideration by, the Department of Public Safety for~~

1 ~~appointment as a Highway Patrol Cadet to a subsequent Highway Patrol~~
2 ~~Academy. The Department of Public Safety shall provide written~~
3 ~~notice of the disqualification to the Office of Management and~~
4 ~~Enterprise Services. The Department of Corrections, in filling~~
5 ~~vacancies for Correctional Officer Cadets and Probation and Parole~~
6 ~~Officers, may disqualify any eligible whose name has been certified~~
7 ~~for Correctional Officer Cadet or Probation and Parole Officer,~~
8 ~~pursuant to subsection A of this section, if the Department of~~
9 ~~Corrections considers the eligible in connection with the hiring of~~
10 ~~three other eligibles pursuant to subsection A of this section from~~
11 ~~that or any other certificate. The name of such disqualified~~
12 ~~eligible shall be omitted from future certification to, and~~
13 ~~consideration by, the Department of Corrections for appointment as a~~
14 ~~Correctional Officer Cadet or Probation and Parole Officer for a~~
15 ~~period of six (6) months, at which time the eligible may request~~
16 ~~restoration to the register by the Office of Management and~~
17 ~~Enterprise Services. Such disqualification shall not deprive any~~
18 ~~person of any preference pursuant to paragraph 3 of subsection A of~~
19 ~~Section 840-4.14 of this title. The Department of Corrections shall~~
20 ~~provide written notice of the disqualification to the Office of~~
21 ~~Management and Enterprise Services and any additional guidelines~~
22 ~~concerning recruitment, selection, placement and disqualifications.~~

23 C. Agencies may fill positions requiring professional practice
24 licensure and hard-to-fill positions pursuant to authorization by

1 the Director without regard to subsections A and B of this section.
2 The Director shall promulgate rules to authorize agencies to fill
3 positions directly, pursuant to this subsection. Such rules shall
4 include criteria for identifying professional practice licensure
5 positions and hard-to-fill positions which shall not require
6 establishment of an employment list of eligible persons or the
7 application of veterans preference. ~~The Director shall monitor~~
8 ~~appointments made by agencies pursuant to this subsection and shall~~
9 ~~establish recordkeeping and reporting procedures and the conditions~~
10 ~~under which the Director may withdraw authorization for agencies to~~
11 ~~directly hire persons into hard-to-fill positions. Nothing in this~~
12 ~~subsection shall be construed to waive any requirement for any job~~
13 ~~or position established by statute or the Director.~~

14 D. Every person, except as provided in subsection E of this
15 section, upon initial appointment under the ~~classified~~ career
16 service, shall be appointed for a probationary period of one (1)
17 year, except that the appointing authority may waive in writing the
18 remainder of the probationary period at any time after a
19 probationary employee has served six (6) months; provided, however,
20 that the employee and the Director of the Office of Management and
21 Enterprise Services shall be notified in writing as to such action
22 and the reason therefor. The probationary appointment of any person
23 may be terminated at any time during the probationary period without
24 the right of appeal. At the close of the probationary period, as

1 herein provided, said person shall acquire a permanent status under
2 the conditions prescribed in the Oklahoma Personnel Career Service
3 Act. Upon approval of the Office of Management and Enterprise
4 Services, specialized job classifications may require a probationary
5 period of more than one (1) year.

6 E. Every person initially appointed under the ~~classified~~ career
7 service as an agent of the Alcoholic Beverage Laws Enforcement
8 Commission shall be appointed for a probationary period of one (1)
9 year.

10 F. In working with appointing authorities in determining
11 minimum qualifications for a position, the Director of the Office of
12 Management and Enterprise Services shall require an appointing
13 authority to justify in writing any reasons for excluding from
14 consideration relevant public or private sector experience
15 applicable to the position.

16 SECTION 44. AMENDATORY 74 O.S. 2011, Section 840-4.14,
17 as last amended by Section 109, Chapter 15, O.S.L. 2013 (74 O.S.
18 Supp. 2017, Section 840-4.14), is amended to read as follows:

19 Section 840-4.14 A. ~~In establishing employment lists of~~
20 ~~eligible persons for competitive and noncompetitive appointment,~~
21 ~~certain preferences shall be allowed for honorably discharged~~
22 ~~veterans as defined by Section 67.13a and Section 67.13b of Title 72~~
23 ~~of the Oklahoma Statutes. In determination of the register rank:~~

1 ~~1. Five points shall be added to the final grade of any person~~
2 ~~who has passed the examination and has submitted proof of having~~
3 ~~status as a veteran or unremarried surviving spouse of a veteran;~~

4 ~~2. Five points shall be added to the final grade of any person~~
5 ~~who has passed the examination and has submitted proof of having~~
6 ~~status as a spouse of a veteran who is unemployable due to a~~
7 ~~service-connected disability as certified by the Department of~~
8 ~~Veterans Affairs or agency of the Defense Department within six (6)~~
9 ~~months of date of application; and~~

10 ~~3. Ten points shall be added to the final grade of any veteran~~
11 ~~who has passed the examination and has submitted proof of having a~~
12 ~~service-connected disability as certified by the Department of~~
13 ~~Veterans Affairs or agency of the Defense Department within six (6)~~
14 ~~months of date of application. Such veterans' names shall be placed~~
15 ~~at the top of the register in accordance with their numerical rating~~
16 ~~if in receipt of benefits payable at the rate of thirty percent~~
17 ~~(30%) or more and such veterans shall not be denied employment and~~
18 ~~passed over for other veterans or nonveterans, without showing~~
19 ~~cause. Acceptable cause shall include a reasonable expectation of~~
20 ~~the inability of the preferenced applicant to satisfactorily perform~~
21 ~~at the required level of the position and shall be reviewed in each~~
22 ~~instance by the Director of the Office of Management and Enterprise~~
23 ~~Services. If the Director finds that acceptable cause for the~~
24 ~~denial of employment to the preferenced applicant does not exist,~~

1 ~~the appointing authority shall be required to hire the preferenced~~
2 ~~applicant. The position shall not be permanently filled until the~~
3 ~~Director has issued his findings~~ The Office of Management and
4 Enterprise Services shall create and promulgate rules for the Office
5 of Veterans Placement for the purpose of attracting, recruiting and
6 hiring qualified veterans into career service.

7 B. ~~War veterans, as defined by Section 67.13a of Title 72 of~~
8 ~~the Oklahoma Statutes, who have been awarded the Purple Heart or~~
9 ~~have a service-incurred disability rated by the Department of~~
10 ~~Veterans Affairs or a branch of the Armed Forces of the United~~
11 ~~States and who have been a resident of Oklahoma for at least one (1)~~
12 ~~year prior to the date of the examination, shall be authorized to~~
13 ~~open any closed register established by the Merit System of~~
14 ~~Personnel Administration~~ Services of the Office of Veterans
15 Placement shall include employment counseling, assistance in
16 identifying transferable military skills, qualifications and career
17 assessment, assistance in drafting competitive resumes, instruction
18 in developing comprehensive job-search strategies and job-placement
19 assistance.

20 C. ~~Subsection A of this~~ Veterans who utilize the Office of
21 Veterans Placement shall be guaranteed an interview for qualifying
22 career service positions.

23 D. This section shall not apply to special disabled veterans
24 who are considered for employment under the provisions of Sections

1 401 through 404 of Title 72 of the Oklahoma Statutes. Provided,
2 said veterans may elect instead to be considered for employment
3 according to the procedures set out in this section.

4 ~~D. In addition to the points added to the final grade of any
5 eligible veteran pursuant to subsection A of this section, any
6 veteran who meets the basic qualifications for a position shall be
7 interviewed in person in order to allow the veteran to demonstrate
8 any transferable skills acquired in military service.~~

9 SECTION 45. AMENDATORY 74 O.S. 2011, Section 840-5.1, as
10 amended by Section 912, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
11 2017, Section 840-5.1), is amended to read as follows:

12 Section 840-5.1 Unless otherwise provided, offices and
13 positions in the ~~unclassified~~ executive service are in no way
14 subject to any of the provisions of this act or of the rules and
15 regulations promulgated hereunder except leave regulations.
16 Provided, offices and positions of the State Senate and House of
17 Representatives shall not be subject to regulations of the Office of
18 Management and Enterprise Services on involuntary leave without pay
19 or furlough but shall be subject to any involuntary leave without
20 pay or furlough plan adopted by the President Pro Tempore of the
21 Senate or the Speaker of the House of Representatives. No person
22 chosen by election or appointment to fill an elective office shall
23 be subject to any leave plan or regulation or shall such person be
24 eligible for accrual of any leave benefits.

1 SECTION 46. AMENDATORY 74 O.S. 2011, Section 840-5.1A,
2 as amended by Section 913, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2017, Section 840-5.1A), is amended to read as follows:

4 Section 840-5.1A A. Within state government, persons appointed
5 to a position in the ~~unclassified~~ executive service after June 30,
6 1996, shall serve at the pleasure of the appointing authority.

7 Appointing authorities shall not convey any right or expectation of
8 continued employment to such ~~unclassified~~ executive service
9 employees. The appointing authority may separate such ~~unclassified~~
10 executive service employees at any time with or without cause. No
11 provision of the Oklahoma ~~Personnel~~ Career Service Act shall be
12 construed as granting any property interest in employment to any
13 ~~unclassified~~ executive service employee.

14 B. Nothing in this section is intended to change the status of
15 any ~~unclassified~~ executive service employee appointed to a position
16 on or before June 30, 1996.

17 C. This section shall not apply to persons in positions in
18 institutions under the jurisdiction of the Oklahoma State Regents
19 for Higher Education or subject to the University Hospitals
20 Authority Model Personnel System created pursuant to Section 3211 of
21 Title 63 of the Oklahoma Statutes.

22 D. Agencies may provide severance benefits pursuant to Section
23 840-2.27D of this title to ~~regular unclassified~~ executive service
24 employees with one (1) year or more continuous state service who are

1 separated from the state service for budgetary reasons. A plan
2 providing for such benefits shall be submitted to the Director of
3 the Office of Management and Enterprise Services who shall reject
4 any plan that does not:

5 1. Demonstrate that funds are available to cover projected
6 costs; and

7 2. ~~Contain an estimate of the number of affected employees~~
8 ~~likely to participate in the education voucher program established~~
9 ~~in Section 840-2.27D of this title; and~~

10 ~~3.~~ Contain an estimate of the cost savings or reduced
11 expenditures likely to be achieved by the agency.

12 SECTION 47. AMENDATORY 74 O.S. 2011, Section 840-5.2A,
13 as amended by Section 914, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
14 2017, Section 840-5.2A), is amended to read as follows:

15 Section 840-5.2A All persons employed by the Ethics Commission
16 prior to March 18, 1998, shall be in and shall have been in such
17 status in the ~~classified or unclassified~~ career and executive
18 service as shown on their individual records on file in the Office
19 of Management and Enterprise Services. The employment records of
20 such persons on file in the Office of Management and Enterprise
21 Services shall be controlling as to the status of such persons and
22 the positions they occupy or occupied.

1 SECTION 48. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
2 last amended by Section 2, Chapter 222, O.S.L. 2018 (74 O.S. Supp.
3 2018, Section 840-5.5), is amended to read as follows:

4 Section 840-5.5 A. The following offices, positions, and
5 personnel shall be in the ~~unclassified~~ executive service and shall
6 not be placed under the ~~classified~~ career service:

7 ~~1. Persons chosen by popular vote or appointment to fill an~~
8 ~~elective office, and their employees, except the employees of the~~
9 ~~Corporation Commission, the State Department of Education and the~~
10 ~~Department of Labor;~~

11 ~~2. Members of boards and commissions, and heads of agencies;~~
12 ~~also one principal assistant or deputy and one executive secretary~~
13 ~~for each state agency;~~

14 ~~3. All judges, elected or appointed, and their employees;~~

15 ~~4. Persons employed with one-time, limited duration, federal or~~
16 ~~other grant funding that is not continuing or indefinitely~~
17 ~~renewable. The length of the unclassified employment shall not~~
18 ~~exceed the period of time for which that specific federal funding is~~
19 ~~provided;~~

20 ~~5. All officers and employees of The Oklahoma State System of~~
21 ~~Higher Education, State Board of Education and Oklahoma Department~~
22 ~~of Career and Technology Education;~~

23 ~~6. Persons employed in a professional or scientific capacity to~~
24 ~~make or conduct a temporary and special inquiry, investigation, or~~

1 ~~examination on behalf of the Legislature or a committee thereof or~~
2 ~~by authority of the Governor. These appointments and authorizations~~
3 ~~shall terminate on the first day of the regular legislative session~~
4 ~~immediately following the appointment, if not terminated earlier.~~
5 ~~However, nothing in this paragraph shall prevent the reauthorization~~
6 ~~and reappointment of any such person. Any such appointment shall be~~
7 ~~funded from the budget of the appointing authority;~~

8 ~~7. Election officials and employees;~~

9 ~~8. Temporary employees employed to work less than one thousand~~
10 ~~(1,000) hours in any twelve month period, and seasonal employees~~
11 ~~employed by the Oklahoma Tourism and Recreation Department pursuant~~
12 ~~to Section 2241 of this title who work less than one thousand six~~
13 ~~hundred (1,600) hours in any twelve month period;~~

14 ~~9. Department of Public Safety employees occupying the~~
15 ~~following offices or positions:~~

16 ~~a. administrative aides to the Commissioner,~~

17 ~~b. executive secretaries to the Commissioner,~~

18 ~~c. the Governor's representative of the Oklahoma Highway~~
19 ~~Safety Office who shall be appointed by the Governor,~~

20 ~~d. Highway Patrol Colonel,~~

21 ~~e. Highway Patrol Lieutenant Colonel,~~

22 ~~f. Director of Finance,~~

23 ~~g. noncommissioned pilots,~~

24 ~~h. Information Systems Administrator,~~

- 1 i. ~~Law Enforcement Telecommunications System Specialist,~~
2 j. ~~Director of Driver Compliance,~~
3 k. ~~Director of Transportation Division,~~
4 l. ~~Director of the Oklahoma Highway Safety Office,~~
5 m. ~~Civil Rights Administrator,~~
6 n. ~~Budget Analyst,~~
7 o. ~~Comptroller,~~
8 p. ~~Chaplain,~~
9 q. ~~Helicopter Mechanic,~~
10 r. ~~Director of Safety Compliance,~~
11 s. ~~Human Resources Director,~~
12 t. ~~Administrator of Department Services, and~~
13 u. ~~a maximum of seven positions for the purpose of~~
14 ~~administering programs in the Oklahoma Highway Safety~~
15 ~~Office, within full-time employee limitations of the~~
16 ~~Department, employed with federal funding that is~~
17 ~~continuing or indefinitely renewable. The~~
18 ~~authorization for such positions shall be terminated~~
19 ~~if the federal funding for positions is discontinued;~~
20 ~~provided, any person appointed to a position prescribed in~~
21 ~~subparagraph d or e of this paragraph shall have a right of return~~
22 ~~to the classified commissioned position without any loss of rights,~~
23 ~~privileges or benefits immediately upon completion of the duties in~~
24 ~~the unclassified commissioned position;~~

1 ~~10. Professional trainees only during the prescribed length of~~
2 ~~their course of training or extension study;~~

3 ~~11. Students who are employed on a part-time basis, which shall~~
4 ~~be seventy five percent (75%) of a normal forty hour work week or~~
5 ~~thirty (30) hours per week, or less, or on a full-time basis if the~~
6 ~~employment is pursuant to a cooperative education program such as~~
7 ~~that provided for under Title I IV-D of the Higher Education Act of~~
8 ~~1965 (20 U.S.C. 1087a-1087e), as amended, and who are regularly~~
9 ~~enrolled in:~~

10 ~~a. an institution of higher learning within The Oklahoma~~
11 ~~State System of Higher Education,~~

12 ~~b. an institution of higher learning qualified to become~~
13 ~~coordinated with The Oklahoma State System of Higher~~
14 ~~Education. For purposes of this section, a student~~
15 ~~shall be considered a regularly enrolled student if~~
16 ~~the student is enrolled in a minimum of five (5) hours~~
17 ~~of accredited graduate courses or a minimum of ten~~
18 ~~(10) hours of accredited undergraduate courses;~~
19 ~~provided, however, the student shall only be required~~

20 ~~to be enrolled in a minimum of six (6) hours of~~
21 ~~accredited undergraduate courses during the summer, or~~

22 ~~c. high school students regularly enrolled in a high~~
23 ~~school in Oklahoma and regularly attending classes~~
24 ~~during such time of enrollment;~~

1 ~~12. The spouses of personnel who are employed on a part-time~~
2 ~~basis to assist or work as a relief for their spouses in the~~
3 ~~Oklahoma Tourism and Recreation Department;~~

4 ~~13. Service substitute attendants who are needed to replace~~
5 ~~museum and site attendants who are unavoidably absent. Service~~
6 ~~substitutes may work as part-time or full-time relief for absentees~~
7 ~~for a period of not more than four (4) weeks per year in the~~
8 ~~Oklahoma Historical Society sites and museums; such substitutes will~~
9 ~~not count towards the agency's full-time equivalent (FTE) employee~~
10 ~~limit;~~

11 ~~14. Employees of the Oklahoma House of Representatives, the~~
12 ~~State Senate, or the Legislative Service Bureau;~~

13 ~~15. Corporation Commission personnel occupying the following~~
14 ~~offices and positions:~~

- 15 ~~a. Administrative aides, and executive secretaries to the~~
16 ~~Commissioners,~~
- 17 ~~b. Directors of all the divisions, personnel managers and~~
18 ~~comptrollers,~~
- 19 ~~c. General Counsel,~~
- 20 ~~d. Public Utility Division Chief Engineer,~~
- 21 ~~e. Public Utility Division Chief Accountant,~~
- 22 ~~f. Public Utility Division Chief Economist,~~
- 23 ~~g. Public Utility Division Deputy Director,~~
- 24 ~~h. Secretary of the Commission,~~

- ~~i. Deputy Conservation Director,~~
- ~~j. Manager of Pollution Abatement,~~
- ~~k. Manager of Field Operations,~~
- ~~l. Manager of Technical Services,~~
- ~~m. Public Utility Division Chief of Telecommunications,~~
- ~~n. Director of Information Services,~~
- ~~o. All Data Processing employees hired on or after
September 1, 2005,~~
- ~~p. All Public Utilities employees hired on or after
September 1, 2007,~~
- ~~q. All Regulatory Program Managers hired on or after
September 1, 2007, and~~
- ~~r. All Pipeline Safety Department employees hired on or
after September 1, 2008;~~

~~16. At the option of the employing agency, the Supervisor,
Director, or Educational Coordinator in any other state agency
having a primary responsibility to coordinate educational programs
operated for children in state institutions;~~

~~17. Department of Mental Health and Substance Abuse Services
personnel occupying the following offices and positions at each
facility:~~

- ~~a. Director of Facility,~~
- ~~b. Deputy Director for Administration,~~
- ~~c. Clinical Services Director,~~

1 d. ~~Executive Secretary to Director, and~~

2 e. ~~Directors or Heads of Departments or Services,~~

3 ~~18. Office of Management and Enterprise Services personnel~~

4 ~~occupying the following offices and positions:~~

5 a. ~~State Comptroller,~~

6 b. ~~Administrative Officers,~~

7 c. ~~Alternator Claims Auditor,~~

8 d. ~~Employees hired to fulfill state compliance agency~~
9 ~~requirements under Model Tribal Gaming Compacts,~~

10 e. ~~Employees of the Budget Division,~~

11 f. ~~Employees of the Fiscal and Research Division,~~

12 g. ~~Employees hired to work on the CORE Systems Project,~~

13 and

14 h. ~~The following employees of the Information Services~~
15 ~~Division:~~

16 ~~(1) Information Services Division Manager,~~

17 ~~(2) Network Manager,~~

18 ~~(3) Network Technicians,~~

19 ~~(4) Security Manager,~~

20 ~~(5) Contracts/Purchasing Manager,~~

21 ~~(6) Operating and Applications Manager,~~

22 ~~(7) Project Manager,~~

23 ~~(8) Help Desk Manager,~~

24 ~~(9) Help Desk Technicians,~~

- 1 ~~(10) Quality Assurance Manager,~~
- 2 ~~(11) ISD Analysts,~~
- 3 ~~(12) CORE Manager,~~
- 4 ~~(13) Enterprise System/Database Software Manager,~~
- 5 ~~(14) Data Center Operations and Production Manager,~~
- 6 ~~(15) Voice Communications Manager,~~
- 7 ~~(16) Applications Development Manager,~~
- 8 ~~(17) Projects Manager,~~
- 9 ~~(18) PC's Manager,~~
- 10 ~~(19) Servers Manager,~~
- 11 ~~(20) Portal Manager,~~
- 12 ~~(21) Procurement Specialists,~~
- 13 ~~(22) Security Technicians,~~
- 14 ~~(23) Enterprise Communications and Network~~
- 15 ~~Administrator,~~
- 16 ~~(24) Server Support Specialists,~~
- 17 ~~(25) Senior Server Support Specialists,~~
- 18 ~~(26) Systems Support Specialists,~~
- 19 ~~(27) Senior Systems Support Specialists,~~
- 20 ~~(28) Chief Technology Officer,~~
- 21 ~~(29) Facility Manager,~~
- 22 ~~(30) Application Development Specialists,~~
- 23 ~~(31) Senior Application Development Specialists,~~
- 24 ~~(32) Workstation Specialists,~~

- ~~(33) Senior Workstation Specialists,~~
- ~~(34) Cabling Infrastructure Administration,~~
- ~~(35) Planning Specialists,~~
- ~~(36) Senior Planning Specialists,~~
- ~~(37) Network Specialists,~~
- ~~(38) Senior Network Specialists,~~
- ~~(39) Voice Communication Specialists, and~~
- ~~(40) Senior Voice Communication Specialists;~~

~~19. Employees of the Oklahoma Industrial Finance Authority;~~

~~20. Those positions so specified in the annual business plan of the Oklahoma Department of Commerce;~~

~~21. Those positions so specified in the annual business plan of the Oklahoma Center for the Advancement of Science and Technology;~~

~~22. The following positions and employees of the Oklahoma School of Science and Mathematics:~~

- ~~a. positions for which the annual salary is Twenty four Thousand One Hundred Ninety three Dollars (\$24,193.00) or more, as determined by the Office of Management and Enterprise Services; provided, no position shall become unclassified because of any change in salary or grade while it is occupied by a classified employee,~~
- ~~b. positions requiring certification by the State Department of Education, and~~

1 e. ~~positions and employees authorized to be in the~~
2 ~~unclassified service of the state elsewhere in this~~
3 ~~section or in subsection B of this section;~~

4 ~~23. Office of Management and Enterprise Services employees~~
5 ~~occupying the following positions:~~

- 6 a. ~~the Carl Albert Internship Program Coordinator,~~
- 7 b. ~~one Administrative Assistant,~~
- 8 c. ~~one Workforce Planning Manager,~~
- 9 d. ~~Assistant Administrators,~~
- 10 e. ~~one Associate Administrator, and~~
- 11 f. ~~Division Directors;~~

12 ~~24. Department of Labor personnel occupying the following~~
13 ~~offices and positions:~~

- 14 a. ~~two Deputy Commissioners,~~
- 15 b. ~~two Executive Secretaries to the Commissioner,~~
- 16 c. ~~Chief of Staff,~~
- 17 d. ~~two Administrative Assistants,~~
- 18 e. ~~Information Systems Administrator,~~
- 19 f. ~~three Safety and Health Directors,~~
- 20 g. ~~Research Director,~~
- 21 h. ~~Employment Standards Director,~~
- 22 i. ~~Asbestos Director,~~
- 23 j. ~~General Counsel,~~
- 24 k. ~~one Legal Secretary,~~

- ~~l. one Docket Clerk, and~~
- ~~m. two Information Systems Application Specialists,~~
- ~~n. one Administrative Programs Officer,~~
- ~~o. one Industrial Hygienist Supervisor, and~~
- ~~p. one Public Information Officer;~~

~~25. The State Bond Advisor and his or her employees;~~

~~26. The Oklahoma Employment Security Commission employees~~

~~occupying the following positions:~~

- ~~a. Associate Director,~~
- ~~b. Secretary to the Associate Director, and~~
- ~~c. Assistant to the Executive Director;~~

~~27. Officers and employees of the State Banking Department;~~

~~28. Officers and employees of the University Hospitals~~

~~Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;~~

~~29. Alcoholic Beverage Laws Enforcement Commission employees~~

~~occupying the following positions:~~

- ~~a. three Administrative Service Assistant positions,~~
~~however, employees in such positions who are in the~~
~~unclassified service on June 4, 2003, may make an~~

1 ~~election to be in the classified service without a~~
2 ~~loss in salary by September 1, 2003, and~~

3 ~~b. the Deputy Director position in addition to the one~~
4 ~~authorized by paragraph 2 of this subsection;~~

5 ~~30. The Oklahoma State Bureau of Investigation employees~~
6 ~~occupying the following positions:~~

7 ~~a. five assistant directors,~~

8 ~~b. six special investigators,~~

9 ~~c. one information representative,~~

10 ~~d. one federally funded physical evidence technician,~~

11 ~~e. four federally funded laboratory analysts,~~

12 ~~f. a maximum of fourteen positions employed for the~~
13 ~~purpose of managing the automated information systems~~
14 ~~of the agency,~~

15 ~~g. one executive secretary in addition to the one~~
16 ~~executive secretary authorized pursuant to paragraph 2~~
17 ~~of this subsection,~~

18 ~~h. Child Abuse Response Team (CART) investigator,~~

19 ~~i. Child Abuse Response Team (CART) forensic interviewer,~~
20 ~~and~~

21 ~~j. nine administration and research positions and five~~
22 ~~data processing and information technology positions~~
23 ~~transferred from the Criminal Justice Resource Center~~
24 ~~pursuant to Section 150.17a of this title;~~

1 ~~31. The Department of Transportation, the following positions:~~

- 2 ~~a. Director of the Oklahoma Aeronautics Commission,~~
- 3 ~~b. five Department of Transportation Assistant Director~~
- 4 ~~positions,~~
- 5 ~~c. eight field division engineer positions,~~
- 6 ~~d. one pilot position,~~
- 7 ~~e. five Project Manager Positions, and~~
- 8 ~~f. five Transportation Coordinators;~~

9 ~~32. Commissioners of the Land Office employees occupying the~~
10 ~~following positions:~~

- 11 ~~a. Chief Financial Officer,~~
- 12 ~~b. two Assistant Directors of Financial Services,~~
- 13 ~~c. two Archivists,~~
- 14 ~~d. one Audit Tech position,~~
- 15 ~~e. two Auditor positions,~~
- 16 ~~f. two Accounting Tech I positions,~~
- 17 ~~g. two Administrative Assistant positions,~~
- 18 ~~h. one Imaging Specialist position,~~
- 19 ~~i. one Information Systems Specialist position,~~
- 20 ~~j. Director of Communications,~~
- 21 ~~k. Director of Royalty Compliance,~~
- 22 ~~l. Director of Mineral Management,~~
- 23 ~~m. Accountant or Certified Public Accountant,~~
- 24 ~~n. Commercial Property Manager,~~

- ~~o. Assistant Secretary,~~
- ~~p. Director of Real Estate Management,~~
- ~~q. one executive assistant,~~
- ~~r. one legal secretary,~~
- ~~s. one secretary,~~
- ~~t. one Assistant Commercial Property Manager,~~
- ~~u. one Oil and Gas Production Advisor or Geologist,~~
- ~~v. one Soil Conservationist,~~
- ~~w. one Administrative Programs Officer,~~
- ~~x. one Geographic Information Systems Specialist,~~
- ~~y. Director of Oil and Gas Division, and~~
- ~~z. Financial Manager/Comptroller;~~

~~33. Within the Oklahoma State Bureau of Narcotics and Dangerous
Drugs Control Commission, the following positions:~~

- ~~a. six Narcotics Agent positions and three Typist
Clerk/Spanish transcriptionists, including a Typist
Clerk Supervisor/Spanish transcriptionist; provided,
authorization for such positions shall be terminated
if the federal funding for the positions is
discontinued,~~
- ~~b. one executive secretary in addition to the one
authorized pursuant to paragraph 2 of this subsection,~~
- ~~c. one fiscal officer,~~
- ~~d. one full-time Programmer, and~~

1 e. ~~one full-time Network Engineer;~~

2 34. ~~The Military Department of the State of Oklahoma is~~
3 ~~authorized such unclassified employees within full-time employee~~
4 ~~limitations to work in any of the Department of Defense directed~~
5 ~~youth programs, the State of Oklahoma Juvenile Justice youth~~
6 ~~programs, those persons reimbursed from Armory Board or Billeting~~
7 ~~Fund accounts, and skilled trade positions;~~

8 35. ~~Within the Oklahoma Commission on Children and Youth the~~
9 ~~following unclassified positions:~~

10 a. ~~one Oversight Specialist and one Community Development~~
11 ~~Planner,~~

12 b. ~~one State Plan Grant Coordinator; provided,~~
13 ~~authorization for the position shall be terminated~~
14 ~~when federal support for the position by the United~~
15 ~~States Department of Education Early Intervention~~
16 ~~Program is discontinued,~~

17 c. ~~one executive secretary in addition to the one~~
18 ~~authorized pursuant to paragraph 2 of this subsection,~~
19 ~~and~~

20 d. ~~one Programs Manager;~~

21 36. ~~The following positions and employees of the Office of~~
22 ~~Management and Enterprise Services:~~

- 1 a. ~~one Executive Secretary in addition to the Executive~~
2 Secretary authorized by paragraph 2 of this
3 subsection,
4 b. ~~the Director of Central Purchasing,~~
5 c. ~~one Alternate Fuels Administrator,~~
6 d. ~~one Director of Special Projects,~~
7 e. ~~three postauditors,~~
8 f. ~~four high-technology contracting officers,~~
9 g. ~~one Executive Assistant to the Purchasing Director,~~
10 h. ~~four Contracts Managers,~~
11 i. ~~one Associate Director,~~
12 j. ~~one specialized HiTech/Food Contracting Officer,~~
13 k. ~~one State Use Contracting Officer,~~
14 l. ~~one Property Distribution Administrator,~~
15 m. ~~three licensed architects assigned to the Construction~~
16 and ~~Properties Division,~~
17 n. ~~three licensed engineers assigned to the Construction~~
18 and ~~Properties Division,~~
19 o. ~~eight construction consultants assigned to the~~
20 ~~Construction and Properties Division,~~
21 p. ~~one attorney assigned to the Construction and~~
22 ~~Properties Division,~~
23 q. ~~three positions assigned to the Information Services~~
24 ~~Division, which shall include one Information~~

- 1 ~~Technology Manager, one Applications Specialist and~~
2 ~~one Data Planning Specialist,~~
3 ~~r. four positions assigned to Fleet Management, which~~
4 ~~shall include one Deputy Fleet Manager and three~~
5 ~~Management Analysts,~~
6 ~~s. one Chief Auditor,~~
7 ~~t. one Assistant Director of Central Purchasing Division,~~
8 ~~u. one Professional Errors and Omissions Liability~~
9 ~~Adjuster,~~
10 ~~v. three Strategic Sourcing Managers,~~
11 ~~w. three Strategic Sourcing Assistant Managers, and~~
12 ~~x. two Printing Services Brokers;~~

13 ~~37. Oklahoma Water Resources Board personnel occupying the~~
14 ~~following offices and positions:~~

- 15 ~~a. four Water Quality Assistant Division Chiefs,~~
16 ~~b. four Water Resources Division Chiefs, and~~
17 ~~c. Director of Water Planning;~~

18 ~~38. J.D. McCarty Center for Children with Developmental~~
19 ~~Disabilities personnel occupying the following offices and~~
20 ~~positions:~~

- 21 ~~a. Physical Therapists,~~
22 ~~b. Physical Therapist Assistants,~~
23 ~~c. Occupational Therapists,~~
24 ~~d. Certified Occupational Therapist Aides, and~~

1 e. ~~Speech Pathologists;~~

2 ~~39. Oklahoma Historical Society personnel occupying the~~
3 ~~following offices and positions:~~

4 a. ~~the Development Officer,~~

5 b. ~~the Director of the State Museum of History,~~

6 c. ~~the Cherokee Strip Regional Heritage Center Director,~~

7 d. ~~the Director of Museums and Historic Sites,~~

8 e. ~~the Director of Research,~~

9 f. ~~the Deputy State Historic Preservation Officer, and~~

10 g. ~~the Director of the Oklahoma Museum of Popular~~
11 ~~Culture;~~

12 ~~40. Oklahoma Department of Agriculture, Food, and Forestry~~
13 ~~personnel occupying the following positions:~~

14 a. ~~one Executive Secretary in addition to the Executive~~
15 ~~Secretary authorized by paragraph 2 of this subsection~~
16 ~~and one Executive Assistant,~~

17 b. ~~nineteen Agricultural Marketing Coordinator III~~
18 ~~positions,~~

19 c. ~~temporary fire suppression personnel, regardless of~~
20 ~~the number of hours worked, who are employed by the~~
21 ~~Oklahoma Department of Agriculture, Food, and~~
22 ~~Forestry; provided, however, notwithstanding the~~
23 ~~provisions of any other section of law, the hours~~
24 ~~worked by such employees shall not entitle such~~

1 ~~employees to any benefits received by full-time~~
2 ~~employees,~~

3 ~~d. one Information Technology Specialist,~~

4 ~~e. one Director of Administrative Services,~~

5 ~~f. one Professional Engineer,~~

6 ~~g. one hydrologist position,~~

7 ~~h. Pet Breeder Inspectors,~~

8 ~~i. one Information Technology Technician,~~

9 ~~j. Legal Services Director,~~

10 ~~k. Animal Industry Services Director,~~

11 ~~l. Agricultural Environmental Management Services~~
12 ~~Director,~~

13 ~~m. Forestry Services Director,~~

14 ~~n. Plant Industry and Consumer Services Director,~~

15 ~~o. one Grants Administrator position,~~

16 ~~p. Director of Laboratory Services,~~

17 ~~q. Chief of Communications,~~

18 ~~r. Public Information Manager,~~

19 ~~s. Inventory/Supply Officer,~~

20 ~~t. five Agriculture Field Inspector positions assigned~~

21 ~~the responsibility for conducting inspections and~~

22 ~~audits of agricultural grain storage warehouses. All~~

23 ~~other Agriculture Field Inspector positions and~~

24 ~~employees of the Oklahoma Department of Agriculture,~~

1 ~~Food, and Forestry shall be classified and subject to~~
2 ~~the provisions of the Merit System of Personnel~~
3 ~~Administration. On November 1, 2002, all other~~
4 ~~unclassified Agriculture Field Inspectors shall be~~
5 ~~given status in the classified service as provided in~~
6 ~~Section 840-4.2 of this title,~~

- 7 ~~u. Rural Fire Coordinator,~~
- 8 ~~v. one Agricultural Marketing Coordinator I,~~
- 9 ~~w. Food Safety Division Director,~~
- 10 ~~x. two Environmental Program Specialists,~~
- 11 ~~y. two Scale Technicians,~~
- 12 ~~z. two Plant Protection Specialists,~~
- 13 ~~aa. Chief Agent,~~
- 14 ~~bb. Professional Foresters,~~
- 15 ~~cc. Forestry Education Coordinator,~~
- 16 ~~dd. Forest Data Analyst,~~
- 17 ~~ee. Executive Secretary to Chief Agent, and~~
- 18 ~~ff. Executive Secretary of State Forester;~~

19 ~~41. The Contracts Administrator within the Oklahoma State~~
20 ~~Employees Benefits Council;~~

21 ~~42. The Development Officer within the Oklahoma Department of~~
22 ~~Libraries;~~

23 ~~43. Oklahoma Real Estate Commission personnel occupying the~~
24 ~~following offices and positions:~~

1 a. ~~Educational Program Director, and~~

2 b. ~~Data Processing Manager;~~

3 ~~44. A Chief Consumer Credit Examiner for the Department of~~
4 ~~Consumer Credit;~~

5 ~~45. All officers and employees of the Oklahoma Capitol Complex~~
6 ~~and Centennial Commemoration Commission;~~

7 ~~46. All officers and employees of the Oklahoma Motor Vehicle~~
8 ~~Commission;~~

9 ~~47. One Museum Archivist of The Will Rogers Memorial~~
10 ~~Commission;~~

11 ~~48. One Fire Protection Consultant of the Office of the State~~
12 ~~Fire Marshal;~~

13 ~~49. Acting incumbents employed pursuant to Section 209 of Title~~
14 ~~44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not~~
15 ~~be included in any limitation on full-time equivalency imposed by~~
16 ~~law on an agency. Permanent classified employees may request a~~
17 ~~leave of absence from classified status and accept an unclassified~~
18 ~~appointment and compensation as an acting incumbent with the same~~
19 ~~agency; provided, the leave shall expire no later than two (2) years~~
20 ~~from the date of the acting incumbent appointment. An appointing~~
21 ~~authority may establish unclassified positions and appoint~~
22 ~~unclassified employees to perform the duties of a permanent~~
23 ~~classified employee who is on leave of absence from a classified~~
24 ~~position to serve as an acting incumbent. All unclassified~~

1 ~~appointments created pursuant to this paragraph shall expire no~~
2 ~~later than two (2) years from the date of appointment. Classified~~
3 ~~employees accepting unclassified appointments and compensation~~
4 ~~pursuant to this paragraph shall be entitled to participate without~~
5 ~~interruption in any benefit programs available to classified~~
6 ~~employees, including retirement and insurance programs. Immediately~~
7 ~~upon termination of an unclassified appointment pursuant to this~~
8 ~~paragraph, an employee on assignment from the classified service~~
9 ~~shall have a right to be restored to the classified service and~~
10 ~~reinstated to the former job family level and compensation plus any~~
11 ~~adjustments and increases in salary or benefits which the employee~~
12 ~~would have received but for the leave of absence;~~

13 ~~50. The Oklahoma Homeland Security Director and all other~~
14 ~~positions assigned the responsibilities of working in the Oklahoma~~
15 ~~Office of Homeland Security;~~

16 ~~51. The following eighteen positions in the State Department of~~
17 ~~Health:~~

- 18 ~~a. one surveillance supervisor,~~
- 19 ~~b. one surveillance project monitor,~~
- 20 ~~c. two bilingual interviewers,~~
- 21 ~~d. eight senior interviewers, and~~
- 22 ~~e. six interviewers;~~

1 ~~52. State Board of Licensure for Professional Engineers and~~
2 ~~Land Surveyors personnel occupying the following offices and~~
3 ~~positions:~~

- 4 ~~a. one Director of Enforcement, and~~
- 5 ~~b. two Board Investigators;~~

6 ~~53. One Information Systems Data Management Analyst of the~~
7 ~~State and Education Employees Group Insurance Board;~~

8 ~~54. Office of Juvenile Affairs personnel occupying the~~
9 ~~following offices and positions:~~

- 10 ~~a. two Management Information Systems positions, and~~
- 11 ~~b. employees hired for service at the Southwest Oklahoma~~
12 ~~Juvenile Center in Manitou after June 1, 2020, as~~
13 ~~provided in subsection C of Section 2-7-202 of Title~~
14 ~~10A of the Oklahoma Statutes; and~~

15 ~~55. Heads of agencies, principal assistants or deputies and~~
16 ~~executive secretaries of an agency that is consolidated into another~~
17 ~~agency.~~

18 ~~B. If an agency has the authority to employ personnel in the~~
19 ~~following offices and positions, the appointing authority shall have~~
20 ~~the discretion to appoint personnel to the unclassified service:~~

- 21 ~~1. Licensed medical doctors, osteopathic physicians, dentists,~~
22 ~~psychologists, and nurses;~~
- 23 ~~2. Certified public accountants;~~
- 24 ~~3. Licensed attorneys;~~

1 ~~4. Licensed veterinarians; and~~

2 ~~5. Licensed pharmacists.~~

3 ~~C. Effective July 1, 1996, authorization for unclassified~~
4 ~~offices, positions, or personnel contained in a bill or joint~~
5 ~~resolution shall terminate June 30 of the ensuing fiscal year after~~
6 ~~the authorization unless the authorization is codified in the~~
7 ~~Oklahoma Statutes or the termination is otherwise provided in the~~
8 ~~legislation.~~

9 ~~D. The appointing authority of agencies participating in the~~
10 ~~statewide information systems project may establish unclassified~~
11 ~~positions and appoint unclassified employees to the project as~~
12 ~~needed. Additional unclassified positions may be established, if~~
13 ~~required, to appoint an unclassified employee to perform the duties~~
14 ~~of a permanent classified employee who is temporarily absent from a~~
15 ~~classified position as a result of assignment to this project. All~~
16 ~~unclassified appointments under this authority shall expire no later~~
17 ~~than December 31, 2007, and all unclassified positions established~~
18 ~~to support the project shall be abolished. Both the positions and~~
19 ~~appointments resulting from this authority shall be exempt from any~~
20 ~~agency FTE limitations and any limits imposed on the number of~~
21 ~~unclassified positions authorized. Permanent classified employees~~
22 ~~may request a leave of absence from classified status and accept an~~
23 ~~unclassified appointment and compensation with the same agency under~~
24 ~~the provisions of this subsection; provided, the leave shall expire~~

1 ~~no later than December 31, 2007. Employees accepting the~~
2 ~~appointment and compensation shall be entitled to participate~~
3 ~~without interruption in any benefit programs available to classified~~
4 ~~employees, including retirement and insurance programs. Immediately~~
5 ~~upon termination of an unclassified appointment pursuant to this~~
6 ~~subsection, an employee on assignment from the classified service~~
7 ~~shall have a right to be restored to the classified service and~~
8 ~~reinstated to the former job family level and compensation plus any~~
9 ~~adjustments and increases in salary or benefits which the employee~~
10 ~~would have received but for the leave of absence.~~

11 1. Any officer or employee appointed by the Governor and all
12 positions in the Governor's and Lieutenant Governor's offices;

13 2. Any person chosen by popular vote or appointed to fill an
14 executive branch elective office in the executive branch of
15 government;

16 3. All judges, elected or appointed, and their employees;

17 4. All officers and employees of The Oklahoma State System of
18 Higher Education;

19 5. Any legislators, employees of the Legislature, and the
20 Legislative Service Bureau;

21 6. Members of boards and commissions;

22 7. Agency directors or their equivalent authority in each state
23 agency; and

1 8. Time-limited positions including but not limited to
2 temporary employees, grant employees or interns.

3 B. With the exception of the positions listed in subsection A
4 of this section:

5 1. On or before January 1, 2020, at least seventy percent
6 (70%) of full-time positions in executive branch agencies shall be
7 in the career service;

8 2. On or before January 1, 2021, at least eighty percent (80%)
9 of full-time positions in executive branch agencies shall be in the
10 career service; and

11 3. On or before January 1, 2022, at least ninety percent (90%)
12 of full-time positions in executive branch agencies shall be in the
13 career service.

14 C. An employee shall become a member of the career service
15 upon successful completion of the probationary period.

16 D. Employees hired under time-limited positions including, but
17 not limited to, temporary employees, grant employees or interns may
18 be eligible for conversion to career or executive service positions.
19 Such employees shall be exempt from hiring procedures including, but
20 not limited to, placement on hiring lists and certification from
21 registers provided the employee:

22 1. Has been recommended for conversion by the appointing
23 authority;

24 2. Has had satisfactory performance;

1 3. Possesses the minimum requirements specified for the
2 applicable job; and

3 4. Has worked a minimum of three hundred fifty (350)
4 continuous hours in the current time-limited position.

5 Upon conversion, any hours the employee previously worked in
6 the most recent time-limited position will be counted toward any
7 required probationary period if applicable.

8 The Administrator of the Office of Human Capital Management
9 shall promulgate such rules as necessary for the implementation of
10 this procedure.

11 E. An employee in the executive service is an employee-at-will
12 and serves at the pleasure of the employee's appointment authority.

13 F. Employees shall have a combined twelve (12) months of
14 executive branch state service upon conversion to the career service
15 or they shall serve the remainder of the time period as a
16 probationary employee.

17 G. The Administrator of the Human Capital Management Division
18 of the Office of Management and Enterprise Services shall determine
19 equivalent levels for the purpose of assigning positions not
20 specifically addressed in subsection A of this section to the career
21 or executive service. Such determinations may be based on duties,
22 responsibilities and reporting relationships and may be subject to
23 review through any procedure determined by the Administrator of the
24 Human Capital Management Division of the Office of Management and

1 Enterprise Services; provided, that within any department
2 implementation of this subsection shall not jeopardize funding
3 resources.

4 H. The provisions of this section shall supersede all existing
5 laws granting authority to state appointing authorities to place
6 personnel in the unclassified service.

7 SECTION 49. AMENDATORY 74 O.S. 2011, Section 840-5.16,
8 as amended by Section 918, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
9 2017, Section 840-5.16), is amended to read as follows:

10 Section 840-5.16 A. There is hereby created the State Work
11 Incentive Program aimed at employing participants in the Temporary
12 Assistance for Needy Families Program in Oklahoma and vocational
13 rehabilitation clients of the State Department of Rehabilitation
14 Services in the state service. The program shall focus on placement
15 of persons in entry-level positions. The Department of Human
16 Services and the State Department of Rehabilitation Services shall
17 notify agencies in all branches of state government of this program
18 and shall certify to appointing authorities and the Director of the
19 Office of Management and Enterprise Services that a person is a
20 participant in the Temporary Assistance for Needy Families Program
21 or is a vocational rehabilitation client of the State Department of
22 Rehabilitation Services before the person is eligible to be employed
23 under the State Work Incentive Program by a state agency. Agencies
24 shall cooperate with the Department of Human Services and the State

1 Department of Rehabilitation Services in seeking to provide
2 employment opportunities to persons who are participants in the
3 Temporary Assistance for Needy Families Program or who are
4 vocational rehabilitation clients of the State Department of
5 Rehabilitation Services. The Department of Human Services, the
6 State Department of Rehabilitation Services and the Office of
7 Management and Enterprise Services shall coordinate with agencies to
8 facilitate the transition of participants in the Temporary
9 Assistance for Needy Families Program and vocational rehabilitation
10 clients of the State Department of Rehabilitation Services into the
11 State Work Incentive Program.

12 ~~B. Agencies employing eligible persons in the State Work
13 Incentive Program shall employ them in unclassified status for up to
14 two (2) years in full-time or part-time capacity. State Work
15 Incentive Program positions shall not be included within any
16 limitation on full-time equivalent employee positions for any
17 agency. The service of participants shall be rated pursuant to
18 Section 840-4.17 of this title.~~

19 ~~C. Employees hired under the State Work Incentive Program are
20 eligible for leave benefits and other benefits available to state
21 employees, subject to other eligibility requirements, and may be
22 reassigned or promoted while they are participating in the program.~~

23 ~~D. Employees hired under the State Work Incentive Program shall
24 be eligible for conversion to permanent classified status after two~~

1 ~~(2) years of continuous participation in the program. Such employee~~
2 ~~shall be exempt from probationary hiring procedures including, but~~
3 ~~not limited to, placement on hiring lists and certification from~~
4 ~~registers, provided the employee:~~

5 1. ~~Has had satisfactory performance as evidenced by service~~
6 ~~ratings conducted pursuant to Section 840-4.17 of this title; and~~

7 2. ~~Possesses the minimum requirements specified for an~~
8 ~~applicable job.~~

9 The Director of the Office of Management and Enterprise Services
10 shall promulgate such rules as are necessary for the implementation
11 of the State Work Incentive Program.

12 SECTION 50. AMENDATORY 74 O.S. 2011, Section 840-6.1, is
13 amended to read as follows:

14 Section 840-6.1 A. The Oklahoma Merit Protection Career
15 Service Commission shall establish and maintain a mandatory an
16 Alternative Dispute Resolution Program and shall adopt and
17 promulgate such rules as may be necessary for the implementation and
18 management of the program.

19 B. A The purpose of the Alternative Dispute Resolution Program
20 is to provide an efficient and economical means and access to
21 effective alternative dispute resolution services to all state
22 agencies and employees resolve employee grievances and appeals. The
23 Alternative Dispute Resolution Program is not subject to Article II
24 of the Administrative Procedures Act. The decision in such cases

1 may be appealed by any party to the Oklahoma Career Service
2 Commission and thereafter to district court.

3 C. The Oklahoma ~~Merit Protection~~ Career Service Commission may
4 require employees and agencies to utilize the Alternative Dispute
5 Resolution Program to resolve disputes brought before the Commission
6 pursuant to Sections 841.13 and 841.15 of ~~Title 74 of the Oklahoma~~
7 ~~Statutes~~ this title.

8 ~~D. Alternative dispute resolution programs established and~~
9 ~~utilized by the Commission are not subject to Article II of the~~
10 ~~Administrative Procedures Act. The decision in such cases may be~~
11 ~~appealed by any party to the Oklahoma Merit Protection Commission~~
12 ~~and thereafter to district court.~~

13 SECTION 51. AMENDATORY 74 O.S. 2011, Section 840-6.2, as
14 amended by Section 919, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
15 2017, Section 840-6.2), is amended to read as follows:

16 Section 840-6.2 A. The Oklahoma ~~Merit Protection~~ Career
17 Service Commission shall establish standard internal agency
18 grievance resolution procedures for ~~classified~~ career service state
19 employees. The procedures shall encourage prompt and equitable
20 resolution of grievances at the lowest possible level within the
21 employing agency. Each appointing authority shall either use the
22 procedures established by the Commission or adopt other procedures
23 which address the specific needs of their agencies. All procedures
24

1 shall contain the minimum requirements established pursuant to this
2 section.

3 B. The appointing authority of each agency shall furnish to
4 each ~~classified~~ career service employee a copy of the internal
5 agency grievance resolution procedure utilized by the agency.

6 C. No employee shall be disciplined or otherwise prejudiced in
7 his or her employment for exercising his or her rights under the
8 internal agency grievance resolution procedure.

9 D. Executive service employees shall only file an internal
10 agency grievance regarding discrimination, retaliation, leave or
11 loss of base pay.

12 E. Internal agency grievances ~~may~~ for career service employees
13 include, but are not limited to, ~~any direct or indirect form of~~
14 ~~discipline, reduction in force, work assignments,~~ informal
15 discipline, withholding of work, classification, reclassification,
16 promotion, leave, performance appraisal, length of service,
17 overtime, compensatory time, ~~transfers~~ change in work location in
18 excess of fifty (50) miles, provided that the position does not
19 require the person to transfer or relocate on a routine basis,
20 suspension without pay for three (3) days or less, counseling, or
21 any alleged violation of the Oklahoma ~~Personnel~~ Career Service Act
22 or ~~merit rules~~ Career Service Rules for Employment. A grievance
23 must demonstrate a negative impact on an employee's employment. The
24 grievance process shall not include a change of work location of

1 less than fifty (50) miles, work assignments, shift changes, time
2 and place of employment, mandatory overtime or hours of employment,
3 as such shall be within the sole and final discretion of the
4 employing state agency.

5 E. F. An employee who files a grievance under this section
6 shall file the grievance as soon as possible after the occurrence of
7 the act or condition complained of and not later than twenty (20)
8 calendar days after the date the employee became aware, or by the
9 exercise of reasonable diligence should have become aware, of the
10 occurrence giving rise to the complaint. If the employee fails to
11 file the grievance within the twenty (20) calendar days, the rights
12 under this section lapse and are deemed to have been waived in their
13 entirety by the employee. The internal agency grievance resolution
14 procedures established by the Oklahoma Merit Protection Career
15 Service Commission shall contain the following minimum requirements:

16 1. ~~Procedures encouraging resolution of disputes within the~~
17 ~~agency quickly, informally and~~ Informal resolution at the lowest
18 possible level;

19 2. ~~Procedures requiring prompt resolution of the internal~~
20 ~~agency grievance within established~~ Established time periods; and

21 3. ~~Procedures guaranteeing the employee the~~ The employee's
22 right to be represented by a person of his own choosing at each step
23 of the procedure, except the initial informal discussion with his or
24 her immediate supervisor.

1 ~~F.~~ G. The Oklahoma ~~Merit Protection~~ Career Service Commission
2 shall promulgate rules as necessary to implement the provisions of
3 ~~subsections A through I~~ of this section to establish internal agency
4 grievance resolution procedures.

5 ~~G.~~ H. The appointing authority ~~of each classified agency~~ shall
6 designate ~~employees of the agency to receive and process internal~~
7 ~~agency grievances~~ grievance managers. Within six (6) months after
8 designation to serve in this capacity, these employees shall
9 complete the training programs established by the Commission. Upon
10 successful completion, such employees shall be certified to perform
11 the duties associated with receiving and processing internal agency
12 grievances.

13 ~~H.~~ I. The appointing authority ~~of each classified agency~~ shall
14 ensure that employees designated to receive and process internal
15 agency grievances are scheduled to attend and notified of the
16 required training and shall make time available for employees to
17 complete the training.

18 ~~F.~~ J. Each agency shall maintain records of each grievance
19 filed as well as summary information about the number, nature and
20 outcome of all grievances filed. Agencies shall keep records of
21 grievances separate and apart from other individual employee
22 personnel files. Agencies shall annually report grievance
23 information and related statistical data to the Oklahoma ~~Merit~~
24 ~~Protection~~ Career Service Commission pursuant to rules adopted by

1 the Commission. An employee or former employee shall have a right
2 of access to the grievance record of grievances he or she filed
3 after the grievance procedure has been completed.

4 ~~J.~~ K Employees may only appeal a reduction-in-force action to
5 the Oklahoma ~~Merit Protection~~ Career Service Commission on the basis
6 of procedural errors in the application of the reduction-in-force
7 plan of the employing agency, board, or commission.

8 SECTION 52. AMENDATORY 74 O.S. 2011, Section 840-6.3, is
9 amended to read as follows:

10 Section 840-6.3 A. An appointing authority may medically
11 separate any employee who is unable to return to work because of an
12 injury or illness not arising out of or sustained in the course of
13 his or her employment with the state after the employee has
14 exhausted sick leave accumulation, annual leave accumulation and his
15 or her rights under the family and medical leave statutes. An
16 appointing authority may separate an employee who fails to report to
17 work or notify his or her agency of any absence exceeding three (3)
18 days. Separation under this section shall be considered a
19 separation in good standing. Each appointing authority shall
20 establish written policies and procedures for ~~progressive~~ discipline
21 of employees according to the rules established by the Oklahoma
22 ~~Merit Protection~~ Career Service Commission.

23 B. ~~Progressive discipline~~ Discipline is a system designed to
24 ensure ~~not only~~ the consistency, impartiality and predictability of

1 discipline, ~~but also~~ and to provide for the flexibility to vary
2 penalties if justified by aggravating or mitigating conditions.
3 ~~Typically, penalties range~~ Discipline ranges from verbal warning to
4 discharge, ~~with intermediate levels of a written warning, suspension~~
5 ~~or demotion. Absent mitigating circumstances, repetition of an~~
6 ~~offense is accompanied by a generally automatic progression to the~~
7 ~~next higher level of discipline.~~

8 C. Each supervisor shall be responsible for applying discipline
9 when necessary that is ~~progressive in nature~~, appropriate for the
10 offense, and equitable. Each supervisor shall consider aggravating
11 or mitigating circumstances when determining the proper disciplinary
12 action. Each supervisor shall use prompt, positive action to avoid
13 more serious disciplinary actions. The Oklahoma ~~Merit Protection~~
14 Career Service Commission shall promulgate rules to establish the
15 requirements and guidelines for discipline.

16 D. The rules shall prohibit supervisors from considering
17 incidents that occurred longer than ~~four (4)~~ three (3) years prior
18 to an offense in order to move to a higher level of discipline. The
19 prohibition shall not apply to incidents involving the following
20 types of conduct:

- 21 1. Criminal activity;
- 22 2. Sexual misconduct and/or harassment;
- 23 3. Racially discriminatory behavior and/or harassment;

1 4. Threats or acts of violence against employees in the
2 workplace; ~~and~~

3 5. Drug and/or alcohol use or abuse on the job or violating the
4 agency's drug and alcohol program;

5 6. Consumer, client or citizen abuse, neglect or mistreatment;
6 and

7 7. Abuse, neglect or mistreatment of anyone in the care or
8 custody of the state.

9 SECTION 53. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 840-6.4A of Title 74, unless
11 there is created a duplication in numbering, reads as follows:

12 A. It is the purpose of this section to provide a system for
13 the prompt, fair and equitable disposition of appeals by career
14 service employees who have been demoted, suspended without pay, or
15 discharged. For purposes of this section, discharge shall include
16 separation as set forth in subsection D of Section 840-2.21 or
17 Section 840-6.3 of Title 74 of the Oklahoma Statutes.

18 B. If an employee in the career service is demoted as a result
19 of a position audit or reclassification, the agency shall provide
20 notice of such demotion to the Office of Management and Enterprise
21 Services, which shall review the findings of the agency prior to
22 such demotion occurring to ensure compliance with the law. The
23 Office of Management and Enterprise Services shall complete the
24 review and respond within ten (10) business days of receipt of

1 notice. The provisions of this subsection shall not apply to
2 demotions that are a result of a position audit or reclassification
3 performed by the Office of Management and Enterprise Services.

4 C. Any career service employee may be discharged, suspended
5 without pay for not to exceed twenty (20) working days per incident
6 or demoted by the agency, department, institution or officer for
7 misconduct, insubordination, inefficiency, inability to perform the
8 duties of the position in which employed, dereliction of duty, leave
9 abuse, unsatisfactory attendance, poor performance, violations of
10 the Oklahoma Career Service Act or the Career Service Rules for
11 Employment, conduct unbecoming a public employee or any other
12 reasonable cause. Employees in the career service, upon final
13 conviction of or pleading guilty or nolo contendere to a felony,
14 shall be discharged if the felony is job-related pursuant to Section
15 24.1 of Title 51 of the Oklahoma Statutes.

16 D. Before the action of discharge is taken against a career
17 service employee, the employing agency, department, institution or
18 officer shall provide the employee with a written statement, either
19 by personal service or by certified or registered mail service, of
20 the proposed action, specific acts or omissions that are causes or
21 reasons for the proposed action, an explanation of the agency's
22 evidence, and an opportunity to present reasons why the proposed
23 action is improper and should not be taken. The career service
24 employee's opportunity to present such reasons shall be oral before

1 the appointing authority or its designee. Notice shall be provided
2 to the employee at least seven (7) days before the employee's
3 scheduled oral response. The oral response will be recorded. The
4 appointing authority shall have fourteen (14) calendar days from the
5 date of the employee oral presentation to make a final disciplinary
6 decision. The final decision shall be personally served upon the
7 employee or sent by certified mail, return receipt requested, to the
8 employee's home address of record. The final decision shall include
9 the action taken and the specific cause for which said appointing
10 authority has so acted.

11 E. Before the action of suspension without pay or demotion is
12 taken against a career service employee, the employing agency,
13 department, institution or officer shall provide the employee with a
14 written statement of the specific acts or omissions that are causes
15 or reasons for the proposed action, an explanation of the agency's
16 evidence, and an opportunity to present reasons why the proposed
17 action is improper either in writing or verbally at the appointing
18 authority's discretion. The employee shall have seven (7) calendar
19 days to respond to proposed disciplinary action. An extension may
20 be granted under reasonable circumstances. Any verbal response will
21 be recorded. The appointing authority shall have fourteen (14)
22 calendar days from receipt of the employee's verbal or written
23 response to make a final disciplinary decision. The final
24 disciplinary decision shall be personally served upon the employee

1 or sent by certified mail, return receipt requested, to the
2 employee's home address of record. The final decision shall include
3 the action taken and the specific cause for which said appointing
4 authority has so acted.

5 F. Within twenty (20) calendar days after receiving the written
6 notification provided for in this section, the employee may file a
7 written request for appeal with the Oklahoma Career Service
8 Commission. The Executive Director shall determine if the
9 jurisdictional requirements provided for in this section have been
10 met. If the jurisdictional requirements are not met, the Executive
11 Director shall notify both the employee and the agency within five
12 (5) calendar days after the receipt of a written appeal request.
13 Such notice shall specifically describe the requirements that were
14 not met. If said requirements have been met, the Executive Director
15 shall refer the appeal request to an administrative hearing officer
16 for a hearing on said discharge, suspension or demotion, or refer
17 the appeal request to the Alternative Dispute Resolution Program.
18 If the case is not referred to the Alternative Dispute Resolution
19 Program, then within five (5) calendar days after receipt of said
20 properly executed appeal request, the Executive Director shall
21 provide said employee and the appointing authority with a written
22 notice of:

1 1. A prehearing conference to be held at least five (5) working
2 days, but not more than ten (10) working days, before the date of
3 the hearing; and

4 2. The appeal hearing date which shall be no later than thirty-
5 five (35) calendar days after the receipt of the appeal request,
6 unless continued for good cause. Any continuances shall not exceed
7 a combined total of sixty (60) calendar days except for good cause
8 shown.

9 Both the prehearing conference and the hearing shall be conducted in
10 accordance with the provisions of Section 840-6.7 of this title.

11 The notice shall be in the following form:

12 Notice of Hearing Oklahoma Merit Protection Commission to
13 _____. You are hereby notified that pursuant to your request
14 an appeal hearing on your (discharge), (suspension), (demotion),
15 from the position of _____ has been set for the _____ day of
16 _____ at _____ M. at _____ in _____, a copy of said
17 cause for your (discharge), (suspension), (demotion), being hereto
18 attached. Dated this _____ day of _____ City of _____ By
19 _____ Special Counsel of the Oklahoma Merit Protection
20 Commission. In appeals from demotion, suspension or discharge, the
21 burden of proof shall rest with the appointing authority, and
22 decisions shall be made based on the rule of preponderance of
23 evidence. The employee shall be sustained or not sustained. If the
24 employee is not sustained in the appeal, the employee shall be

1 discharged, or suspended without pay for not to exceed sixty (60)
2 calendar days, or demoted. If sustained in the appeal, in whole or
3 in part, the presiding official may either adjudge a forfeiture of
4 pay not in excess of sixty (60) calendar days without loss of other
5 rights and benefits or order reinstatement of appellant to the class
6 previously held with full rights and without loss of pay or other
7 benefits; provided, that the decision will not result in an employee
8 working out of proper classification as determined by the Office of
9 Management and Enterprise Services. The findings of the presiding
10 officials shall be final and conclusive upon all questions within
11 their jurisdiction between the parties except as provided for in
12 Sections 317 and 318 of Title 75 of the Oklahoma Statutes. Upon the
13 timely filing of a petition to rehear, reopen or reconsider, the
14 Oklahoma Career Service Commission shall schedule the matter for
15 consideration by the Commissioners on the earliest possible date.
16 The Commission shall rule on petitions by a majority vote of a
17 quorum of the Commissioners. Based on the Commission review of the
18 petition, the Commission shall issue a Final Petition Decision
19 within thirty (30) days after the petition is heard. The Final
20 Petition Decision shall address the issues which are within the
21 jurisdiction of the Commission raised in the petition, and the
22 Decision shall be written in clear and concise language. Final
23 Petition Decisions are subject to judicial review if appealed to the
24 district court within thirty (30) calendar days. The State of

1 Oklahoma or any agency of the state shall not be allowed to appeal
2 to the district court unless the employee is continued on full pay
3 in the same status of employment existing prior to suspension or
4 discharge.

5 SECTION 54. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 840-6.6A of Title 74, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Any employee in the career service who has successfully
9 completed the required probationary period or any employee in the
10 executive service shall only file an appeal with the Oklahoma Career
11 Service Commission under this section involving grievances regarding
12 discrimination, retaliation, loss of base pay, or leave or alleged
13 violation of Section 840-2.5 of Title 74 of the Oklahoma Statutes.

14 B. Prior to filing an appeal under this section the filing
15 party must have filed a grievance at the agency level.

16 C. Unless otherwise provided for by statute, an appeal pursuant
17 to this section shall be filed within twenty (20) calendar days
18 after the occurrence of the action or after the date the employee
19 became aware of the action.

20 D. The Career Service Commission may order payment of
21 reasonable attorney fees and costs to the prevailing party if the
22 position of the nonprevailing party was without reasonable basis or
23 was frivolous.

1 E. The Career Service Commission shall promulgate rules
2 establishing and implementing the provisions of this section.

3 SECTION 55. AMENDATORY 74 O.S. 2011, Section 840-6.7, is
4 amended to read as follows:

5 Section 840-6.7 All hearings held pursuant to the Oklahoma
6 ~~Personnel~~ Career Service Act shall be conducted in accordance with
7 the following provisions:

8 A. Prehearing Conferences

9 1. A prehearing conference may be held on all appeals set for
10 hearing.

11 2. The prehearing conference may be conducted by the assigned
12 administrative hearing officer, who may take an active part in the
13 conference. The conference shall be informal, and shall not be open
14 to the public. Each party may be represented by a designated
15 individual who has knowledge of the case.

16 3. All discovery shall be completed at the prehearing
17 conference. Thereafter, discovery may be conducted only where
18 authorized by the administrative hearing officer where good cause is
19 shown.

20 4. Copies of all documents or exhibits submitted to the
21 administrative hearing officer must be submitted to the adverse
22 party.

23 5. At the prehearing conference, the parties shall be required
24 to:

- a. identify which allegations are admitted and which are denied; and
- b. submit a joint statement of the facts which are agreed and the issues to be decided; and
- c. submit a list of their witnesses, exhibits, and documents to be offered into evidence; and
- d. confer in regard to settlement; and
- e. perform any other acts which will facilitate the prehearing conference or the hearing.

6. The administrative hearing officer shall:

- a. determine the facts to which the parties agree and the issues to be decided; and
- b. hear all pending motions; and
- c. consider any other matters which will aid in the fair and prompt disposition of the appeal, including the possibility of settlement; and
- d. prepare a prehearing conference order which shall record the actions taken, the agreements reached, and the issues to be decided. The order shall control the subsequent course of the hearing.

B. Hearings

All hearings shall be open to the public, and shall only be conducted by an administrative hearing officer appointed by the Executive Director. The hearing shall be conducted in accordance

1 with the Administrative Procedures Act of the Oklahoma Statutes,
2 except that if any party chooses to designate a representative, the
3 representative shall not be required to be an attorney. All
4 administrative hearing officers shall serve at the pleasure of the
5 Executive Director for such compensation as may be provided.

6 Each party shall have the right to present witnesses in his
7 behalf and evidence to support his position.

8 The appointing authority concerned, or a designee, shall appear
9 in person and shall present the position of the agency in the
10 personnel action. The administrative hearing officers shall rule
11 upon the questions of admissibility of evidence, competency of
12 witnesses, and any other question of law upon which they have
13 jurisdiction as provided in the Oklahoma ~~Personnel~~ Career Service
14 Act and the rules promulgated thereunder.

15 Within ten (10) calendar days after said hearing, the
16 administrative hearing officer shall prepare findings of fact and
17 conclusions of law. The Executive Director shall notify the
18 appellant and the appointing authority of the decision of the
19 administrative hearing officer by certified mail within five (5)
20 calendar days of the receipt of the decision of the administrative
21 hearing officer.

22 The findings of the administrative hearing officer shall be
23 final regarding all questions of law within their jurisdiction
24 except as provided in the Administrative Procedures Act. After
25

1 exhausting all remedies under the Administrative Procedures Act,
2 either party to an appeal of demotion, suspension, or discharge may
3 appeal to district court within thirty (30) calendar days.

4 SECTION 56. AMENDATORY 74 O.S. 2011, Section 840-6.8, is
5 amended to read as follows:

6 Section 840-6.8 A. The presiding officer of any hearing or
7 Alternative Dispute Resolution Program proceeding before the
8 Oklahoma ~~Merit Protection~~ Career Service Commission may require
9 payment of reasonable attorney fees and costs to the prevailing
10 party if the position of the nonprevailing party was without
11 reasonable basis or was frivolous.

12 B. Requests by prevailing parties for payment of attorney fees
13 and costs shall be filed by motion with a copy served on other
14 parties within ten (10) days of the date that the decision is
15 issued. A responsive pleading may be filed within ten (10) days of
16 the date the motion is filed with the Oklahoma ~~Merit Protection~~
17 Career Service Commission. The motion shall be filed at the office
18 of the Oklahoma ~~Merit Protection~~ Career Service Commission to the
19 attention of the presiding officer and the ruling on the motion
20 shall be made in an addendum decision.

21 C. The motion for fees and costs shall state why the prevailing
22 party believes he or she is entitled to an award under this statute
23 and shall be supported by evidence substantiating the amount of the
24 request. Such evidence shall include the following:

1 1. Accurate and current time records;

2 2. A copy of the terms of any fee agreement between the party
3 and the attorney;

4 3. The attorney's customary billing rate for similar work,
5 provided the attorney has a billing practice to report; and

6 4. Evidence of the prevailing community rate sufficient to
7 establish a market value for the services rendered.

8 D. If the Oklahoma Merit Protection Commission determines that
9 the appeal is frivolous, any party may be assessed attorney fees and
10 costs of the action.

11 E. A petition for judicial review by the Oklahoma ~~Merit~~
12 ~~Protection~~ Career Service Commission of the addendum decision shall
13 be filed in accordance with Article II of the Administrative
14 Procedures Act, within ten (10) days of the issue date of said
15 decision.

16 SECTION 57. AMENDATORY 74 O.S. 2011, Section 840-6.9, as
17 amended by Section 921, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
18 2017, Section 840-6.9), is amended to read as follows:

19 Section 840-6.9 A. ~~The Oklahoma Merit Protection Commission or~~
20 ~~Director of the Office of Management and Enterprise Services or the~~
21 Career Service Commission may levy an administrative fine not to
22 exceed Five Thousand Dollars (\$5,000.00) against any person, ~~whether~~
23 ~~subject to the provisions of the merit system or in unclassified~~
24 ~~service,~~ who after proper notice fails or refuses, within a

1 reasonable period of time, to implement a written order of the
2 ~~Oklahoma Merit Protection Commission or the Director of the Office~~
3 of Management and Enterprise Services or the Commission. Such fine
4 shall be assessed against the person who violates the order and
5 shall not be paid by any monies of the employing entity in which the
6 person is employed or serves.

7 B. Any person against whom an administrative fine is levied who
8 continues the violation for an unreasonable period of time, as
9 determined by the Oklahoma ~~Merit Protection~~ Career Service
10 Commission or ~~Director of the Office of Management and Enterprise~~
11 Services, shall forfeit his or her position and shall be ineligible
12 for appointment to or employment in state government for a period of
13 five (5) years.

14 C. Any fines collected pursuant to this section shall be
15 deposited to the revolving fund of the respective entity which
16 levies the fine.

17 SECTION 58. AMENDATORY 74 O.S. 2011, Section 150.17, is
18 amended to read as follows:

19 Section 150.17 A. Effective July 1, 1980, the Statistical
20 Analysis Division of the present Oklahoma Crime Commission shall be
21 transferred to the Oklahoma State Bureau of Investigation. All
22 unexpended funds, property, records, personnel and any outstanding
23 financial obligations or encumbrances of the Crime Commission which
24

1 relate to the Statistical Analysis Division are hereby transferred
2 to the Oklahoma State Bureau of Investigation.

3 B. Effective July 1, 1988, the personnel transferred from the
4 Oklahoma Crime Commission to the Oklahoma State Bureau of
5 Investigation and persons occupying the position of any such
6 personnel on July 1, 1988, shall become subject to the provisions of
7 the ~~Merit~~ Career Service System of ~~Personnel~~ Human Resources
8 Administration. All incumbent employees subject to this subsection
9 shall be classified without regard to status or ~~examinations~~
10 assessments. Such employees shall be granted status in the class of
11 positions to which the employee's position is allocated by the
12 Office of ~~Personnel~~ Management and Enterprise Services.

13 C. It is the intent of the Legislature that the mission of the
14 Statistical Analysis Division not be changed by this transfer, and
15 that the Oklahoma State Bureau of Investigation continue prior
16 cooperative agreements made with the Criminal Justice Agencies of
17 the state.

18 SECTION 59. AMENDATORY 74 O.S. 2011, Section 5003.5, is
19 amended to read as follows:

20 Section 5003.5 A. The Director of the Department of Commerce
21 shall be appointed by the Governor with the advice and consent of
22 the Senate. The Director shall serve at the pleasure of the
23 Governor and shall continue to serve until a successor is duly
24

1 appointed and qualified. The salary of the Director shall be set by
2 law.

3 B. The Director shall be qualified for such position by
4 character, personality, ability, education, training and successful
5 administrative experience in the public or private sector.

6 C. The Director shall employ such persons as are necessary to
7 implement the powers and duties of the Department. Because many of
8 the powers and duties of the Department involve working closely with
9 the private sector, certain employee positions of the Department
10 must be governed, classified and compensated in a manner that
11 compares equally to similar positions in the private sector.

12 Therefore, in the annual business plan, the Director shall list,
13 describe and justify all such positions and their compensation and
14 shall designate and place them in ~~unclassified~~ executive service
15 status, exempt from the provisions of the Oklahoma ~~Personnel~~ Career
16 Service Act. All other employees and positions shall be ~~classified~~
17 career service and subject to the provisions of the ~~Merit~~ Career
18 Service System of ~~Personnel~~ Human Resources Administration as
19 provided in the Oklahoma ~~Personnel~~ Career Service Act. Provided,
20 nothing in this section shall be construed to limit the authority of
21 the Legislature to specify the status of positions otherwise by law.
22 Neither shall the Director have the authority to circumvent,
23 disregard or otherwise disobey specific provisions of law regarding
24 positions in the Department.

1 D. The Director shall serve on the board of:

2 1. The Oklahoma Industrial Finance Authority;

3 2. The Oklahoma Science and Technology Research and Development
4 Board;

5 3. The Oklahoma Development Finance Authority;

6 4. The Executive Bond Oversight Commission; and

7 5. The Oklahoma Ordnance Works Authority.

8 E. The Director may serve as administrator of any interlocal
9 agreement or compact to pursue economic development and to assign
10 any employees of the Department or employee personnel to carry out
11 duties or obligations pursuant to any interlocal agreement or
12 compact for economic development.

13 F. The Director, at his or her discretion, may approve payment
14 for affiliations or memberships of the Department or, if necessary,
15 associate memberships for individual employees in international,
16 national, or state economic development councils, professional
17 organizations, or governmental associations.

18 SECTION 60. AMENDATORY 3 O.S. 2011, Section 84.2, is
19 amended to read as follows:

20 Section 84.2 A. Beginning July 1, 2002, the Oklahoma
21 Aeronautics Commission shall cease to be part of or a division of
22 the Department of Transportation and shall be deemed to be a
23 separate and distinct agency, to be known as the Oklahoma
24 Aeronautics Commission, ~~and not under the Merit System of Personnel~~

1 ~~Administration.~~ The Oklahoma Aeronautics Commission and the
2 Director of Aeronautics shall continue to exercise their statutory
3 powers, duties, and responsibilities. All records, property,
4 equipment, assets, monies, matters pending, and funds of the
5 division shall be transferred to the Oklahoma Aeronautics
6 Commission.

7 B. 1. The number of full-time-equivalent employees for the
8 Oklahoma Aeronautics Commission shall not be less than ten, nor more
9 than the number of employees currently allowed by law for the
10 Oklahoma Aeronautics Commission division of the Department of
11 Transportation and who transfer to the Oklahoma Aeronautics
12 Commission pursuant to this section. In no event shall the total
13 full-time-equivalent employees of the Oklahoma Aeronautics
14 Commission transferring or electing to remain with the Department of
15 Transportation exceed eighteen full-time-equivalent positions.

16 2. ~~All full-time equivalent employee positions for the Oklahoma~~
17 ~~Aeronautics Commission shall not be under the Merit System of~~
18 ~~Personnel Administration and shall be considered unclassified~~
19 ~~service. All employees shall serve at the pleasure of the Director~~
20 ~~of the Oklahoma Aeronautics Commission.~~

21 3. The Oklahoma Aeronautics Commission and the Department of
22 Transportation may enter into an agreement for the transfer of
23 personnel from the Department of Transportation to the Oklahoma
24 Aeronautics Commission. No employee shall be transferred to the

1 Oklahoma Aeronautics Commission except on the freely given written
2 consent of the employee. ~~All classified employees under the Merit
3 System of Personnel Administration who are not transferred to the
4 Oklahoma Aeronautics Commission shall retain the status in the class
5 to which the position occupied by the employee on July 1, 2002, is
6 allocated by the Office of Personnel Management. The salary of such
7 an employee shall not be reduced as a result of such position
8 allocation. All employees who are transferred to the Oklahoma
9 Aeronautics Commission shall not be required to accept a lesser
10 grade or salary than presently received.~~ All employees shall retain
11 leave, sick and annual time earned, and any retirement and longevity
12 benefits which have accrued during their tenure with the Department
13 of Transportation. The transfer of personnel between the state
14 agencies shall be coordinated with the Office of Personnel
15 Management.

16 C. The Oklahoma Aeronautics Commission shall be authorized to
17 rent, lease, or own the appropriate office space and property in
18 order to conduct its business. The Oklahoma Aeronautics Commission
19 is authorized to accept gifts, bequests, devises, contributions, and
20 grants, public or private, including federal funds or funds from any
21 other source for use in furthering the purpose of the Oklahoma
22 Aeronautics Commission.

23 D. Funding for the Oklahoma Aeronautics Commission shall be
24 provided for in the appropriation process of the Legislature, in
25

1 addition to any other funding provided by law. The expenses
2 incurred by the Oklahoma Aeronautics Commission as a result of the
3 transfer required by this section shall be paid by the Oklahoma
4 Aeronautics Commission.

5 E. The division within the Department of Transportation known
6 as the Oklahoma Aeronautics Commission shall be abolished by the
7 Transportation Commission after the transfer has been completed.

8 F. The Director of ~~State Finance~~ the Office of Management and
9 Enterprise Services is directed to coordinate the transfer of
10 assets, funds, allotments, purchase orders, liabilities, outstanding
11 financial obligations or encumbrances provided for in this section.
12 The ~~Department of Central Services~~ Office shall coordinate the
13 transfer of property and records provided for in this section.

14 SECTION 61. AMENDATORY 3A O.S. 2011, Section 712, is
15 amended to read as follows:

16 Section 712. A. The executive director of the Oklahoma Lottery
17 Commission, with the approval of the board of trustees, shall employ
18 such personnel as may be necessary to carry out the provisions of
19 this act and shall set the compensation and terms of compensation of
20 such employees. ~~All offices, positions, and personnel of the~~
21 ~~Oklahoma Lottery Commission shall be in the unclassified service.~~

22 B. No employee of the Commission shall have a financial
23 interest in any vendor doing business or proposing to do business
24 with the Commission.

1 C. No employee of the Commission shall participate in any
2 decision involving a retailer with whom the employee has a financial
3 interest.

4 D. No employee of the Commission who leaves the employment of
5 the Commission may represent any vendor or lottery retailer before
6 the Commission for a period of two (2) years following termination
7 of employment with the Commission.

8 E. A background investigation shall be conducted on each
9 applicant who has reached the final selection process prior to
10 employment by the Commission at the level of division director and
11 above and at any level within any division of security and as
12 otherwise required by the board of trustees of the Oklahoma Lottery
13 Commission. The Commission shall pay for the actual cost of the
14 investigations and shall contract with the Oklahoma State Bureau of
15 Investigation for the performance of the investigations. The
16 results of a background investigation shall not be considered a
17 record open to the public pursuant to the Oklahoma Open Records Act.

18 F. No person who has been convicted of any felony or a
19 misdemeanor involving illegal gambling or involving moral turpitude
20 shall be employed by the Commission, nor shall the Commission employ
21 a person who is awaiting sentencing on a plea of guilt or nolo
22 contendere to such a felony or misdemeanor.

1 G. The Commission shall bond Commission employees with access
2 to Commission funds or lottery revenue in an amount specified by the
3 board and may bond other employees as deemed necessary.

4 SECTION 62. AMENDATORY 53 O.S. 2011, Section 168, is
5 amended to read as follows:

6 Section 168. The Council may make expenditures for its
7 operation within the limits of funds made available to the Council
8 by appropriation or otherwise and may also employ and fix the
9 compensation of the personnel that the Council deems essential to
10 the discharge of its duties as provided by the Oklahoma ~~Personnel~~
11 Career Service Act.

12 SECTION 63. AMENDATORY 56 O.S. 2011, Section 26.17, as
13 last amended by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.
14 2017, Section 26.17), is amended to read as follows:

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

20 B. The Department of Human Services shall be a ~~Merit~~ Career
21 Service System agency. The provisions of this section shall
22 supersede and revoke any and all Executive Orders placing the
23 Department of Human Services or its predecessors under the
24

1 provisions of the Merit Career Service System of Personnel Human
2 Resources 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. ~~The Construction Unit and the Architectural and Engineering~~
12 ~~Unit or their successor units; and~~

13 4. ~~A maximum of ten percent (10%) of the maximum number of~~
14 ~~full-time equivalent positions authorized by law to the Department~~
15 ~~of Human Services and selected at the discretion of the Director of~~
16 ~~the Department of Human Services. Employees retained in the~~
17 ~~unclassified service under the provisions of this section shall be~~
18 ~~employees at will. Any classified employee occupying a position~~
19 ~~selected by the Director pursuant to this paragraph to become an~~
20 ~~unclassified position may elect to retain classified status. All~~
21 ~~future appointees to such position shall be in the unclassified~~
22 ~~service. The Director shall submit a list of such positions to the~~
23 ~~Office of Management and Enterprise Services by September 1, 2004,~~
24 ~~and annually thereafter.~~

1 ~~D. All other offices, positions and personnel of the Department~~
2 ~~of Human Services shall be classified and subject to the provisions~~
3 ~~of the Merit System of Personnel Administration, as provided in the~~
4 ~~Oklahoma Personnel Act and rules promulgated thereunder.~~

5 SECTION 64. AMENDATORY 63 O.S. 2011, Section 5006, is
6 amended to read as follows:

7 Section 5006. ~~A.~~ There is hereby created the Oklahoma Health
8 Care Authority. The Authority shall have the power and duty to:

9 1. Purchase health care benefits for Medicaid recipients, and
10 others who are dependent on the state for necessary medical care, as
11 specifically authorized by law;

12 2. Enter into contracts for the delivery of state-purchased
13 health care and establish standards and criteria which must be met
14 by entities to be eligible to contract with the Authority for the
15 delivery of state-purchased health care;

16 3. Develop a proposed standard basic health care benefits
17 package or packages to be offered by health services providers, for
18 Medicaid recipients;

19 4. Study all matters connected with the provision of state-
20 purchased and state-subsidized health care coverage;

21 5. Develop and submit plans, reports and proposals, provide
22 information and analyze areas of public and private health care
23 interaction pursuant to the provisions of the Oklahoma Health Care
24 Authority Act;

1 6. Serve as a resource for information on state-purchased and
2 state-subsidized health care access, cost containment and related
3 health issues;

4 7. Administer programs and enforce laws placed under the
5 jurisdiction of the Authority pursuant to the Oklahoma Health Care
6 Authority Act, and such other duties prescribed by law;

7 8. Collaborate with and assist the Insurance Commissioner in
8 the development of a Uniform Claim Processing System for use by
9 third-party payors and health care providers;

10 9. Collaborate with and assist the State Department of Health
11 with the development of licensure standards and criteria for pre-
12 paid health plans; and

13 10. Exercise all incidental powers which are necessary and
14 proper to carry out the purposes of the Oklahoma Health Care
15 Authority Act.

16 ~~B. All positions within the Authority shall be unclassified~~
17 ~~until approval of the annual business and personnel plan submitted~~
18 ~~by January 1, 1995, by the Governor and the Legislature. In the~~
19 ~~annual business plan submitted January 1, 1995, the Board shall~~
20 ~~include a personnel plan which shall list, describe and justify all~~
21 ~~unclassified positions within the Authority and their compensation.~~
22 ~~All other employees and positions shall be classified and subject to~~
23 ~~the provisions of the Merit System of Personnel Administration as~~
24 ~~provided in the Oklahoma Personnel Act.~~

1 SECTION 65. AMENDATORY 70 O.S. 2011, Section 17-103, is

2 amended to read as follows:

3 Section 17-103. Except as provided in the Alternate Retirement
4 Plan for Comprehensive Universities Act, the membership of the
5 retirement system shall consist of the following:

6 (1) All ~~classified~~ career service personnel shall become
7 members of the retirement system as a condition of their employment;

8 (2) All full-time ~~nonclassified optional~~ executive service
9 personnel regularly employed for more than one (1) year may join the
10 Teachers' Retirement System subject to the rules and regulations
11 adopted pursuant to this act. Subject to the outcome of the private
12 letter ruling request (2003) submitted by the Board to the Internal
13 Revenue Service (2001), the System shall permit eligible
14 nonclassified optional personnel who have ceased to make otherwise
15 required employee contributions after having made an election to
16 become a member of the retirement system to resume employee
17 contributions. No service shall be credited to any such member for
18 any period of time during which employee contributions were not
19 made;

20 (3) All persons who shall become ~~classified~~ career service
21 personnel or who are regularly employed in any school system as new
22 ~~classified~~ career service personnel after July 1, 1943, hereof,
23 shall become members of the retirement system as a condition of
24 their employment;

1 (4) All other regular school employees may join the Teachers'
2 Retirement System subject to the rules and regulations as may be
3 adopted by the Board of Trustees of the Teachers' Retirement System;

4 (5) The Board of Trustees may, in its discretion, deny the
5 right to become members to any class of members whose compensation
6 is only partly paid by the state, or who is serving on a temporary
7 or other than per annum basis, and it also may, in its discretion,
8 make optional with members in any such class their individual
9 entrance into the retirement system; and

10 (6) Should any member, with less than ten (10) years of
11 teaching service in Oklahoma, in any period of six (6) consecutive
12 years after becoming a member be absent from service more than five
13 (5) years, withdraw his contributions, retire or die, he shall
14 thereupon cease to be a member. The provisions of this paragraph
15 shall not apply to any member of the Teachers' Retirement System who
16 has been a member of such classes of military services as may be
17 approved by the Board of Trustees, until a period of one and one-
18 half (1 1/2) years from date of termination of such service shall
19 have elapsed.

20 SECTION 66. REPEALER 43A O.S. 2011, Section 2-203, is
21 hereby repealed.

22 SECTION 67. REPEALER 44 O.S. 2011, Section 21.1, is
23 hereby repealed.

1 SECTION 68. REPEALER 72 O.S. 2011, Section 63.7A, is
2 hereby repealed.

3 SECTION 69. REPEALER 74 O.S. 2011, Sections 840-2.27F,
4 as amended by Section 887, Chapter 304, O.S.L. 2012, 840-3.4, as
5 last amended by Section 4, Chapter 237, O.S.L. 2013, 840-4.19, 840-
6 5.2, 840-5.2B, as amended by Section 916, Chapter 304, O.S.L. 2012,
7 840-5.4, 840-5.6, 840-5.7, as amended by Section 1, Chapter 140,
8 O.S.L. 2016, 840-5.8, 840-5.9, 840-5.12, as amended by Section 1,
9 Chapter 64, O.S.L. 2015, 840-5.13, 840-5.15, 840-5.18, 840-5.19, as
10 amended by Section 1, Chapter 151, O.S.L. 2015, 840-5.20, 840-5.21,
11 840-5.23, 840-5.24, as amended by Section 1, Chapter 393, O.S.L.
12 2015, Section 1, Chapter 394, O.S.L. 2015, as amended by Section 1,
13 Chapter 254, O.S.L. 2016, Section 1, Chapter 392, O.S.L. 2015, 840-
14 6.4, 840-6.5, as amended by Section 920, Chapter 304, O.S.L. 2012,
15 840-6.6 and 661.1, as amended by Section 1, Chapter 332, O.S.L. 2016
16 (74 O.S. Supp. 2017, Sections 840-2.27F, 840-3.4, 840-5.2B, 840-5.7,
17 840-5.12, 840-5.19, 840-5.24, 840-5.25, 840-5.26, 840-6.5 and
18 661.1), are hereby repealed.

19 SECTION 70. NEW LAW A new section of law not to be
20 codified in the Oklahoma Statutes reads as follows:

21 Any person or agency authorized to promulgate rules to implement
22 the provisions of this act is authorized to do so prior to November
23 1, 2019; provided, such rules shall not become effective prior to
24 November 1, 2019.

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SECTION 71. Sections 1 through 69 of this act shall become effective November 1, 2019.

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