

State of Oklahoma
Office of Personnel Management
Office of Communications

2003 Legislative Enactments

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July 15, 2003

Introduction

The OPM Office of Communications is pleased to submit its annual report of HR-related legislative enactments for the 2003 legislative session. During the session, the Office of Communications reviewed 815 House Bills (plus multiple versions of various bills), 42 House Concurrent Resolutions, 36 House Joint Resolutions, and 26 House Resolutions; and 839 Senate Bills (plus multiple versions of various bills), 34 Senate Concurrent Resolutions, 26 Senate Joint Resolutions, and 33 Senate Resolutions, to determine their impact on the state government personnel system. The Office of Communications tracked or monitored approximately 126 pieces of legislation during the session and completed 64 written analyses of these bills for Governor Henry and his staff; other OPM Departments/Divisions contributed information to 18 of these analyses. In addition, the Office of Communications monitored 310 House and Senate bills on such topics as benefits, other state agencies, appropriations, retirement, technology, purchasing, sunset, and workers' compensation.

This report describes 28 bills that were of interest to OPM during the 2003 Legislative Session:

- Part 1 includes bills, listed by topic, that amend the Oklahoma Personnel Act, relate to OPM in general or to an OPM program area, or require action by the Administrator and/or OPM;
- Part 2 includes bills, listed by topic, that (usually) do not amend the Oklahoma Personnel Act, but are of interest to OPM (see note on page 5);
- Part 3 includes bills of interest to OPM, listed by topic, that were vetoed by the Governor; and
- Part 4 includes the indices, which list bills by both number and topic, and a table listing the sections of the Oklahoma Personnel Act that were amended during the 2003 session.

The table below contains “at a glance” information concerning the legislation that is the subject of this report.

House Bills

Bill #	Topic	Status	Effective
HB 1039	Compensation	Signed	7/1/03
HB 1058	Whistleblower Act	Signed	7/1/03
HB 1086	Reorganization, Severance Benefits	Signed	4/22/03
HB 1101	Agencies, Merit Protection Commission, Miscellaneous, Reduction-in-Force, Severance Benefits, Unclassified Service	Signed	6/3/03 & 7/1/03
HB 1114	Vendor Access	Signed	3/31/03
HB 1127	Discipline	Signed	3/31/03
HB 1415	Unclassified Service, Voluntary Payroll Deduction	Signed	7/1/03
HB 1556	Oklahoma Commission on the Status of Women	Signed	7/1/03
HB 1593	Discipline	Signed	7/1/03
HB 1744	Performance Appraisal	Vetoed	N/A
HB 1800	Unclassified Service	Signed	10/1/03
HB 1816	Duplicate Sections	Signed	3/19/03

Senate Bills

Bill #	Topic	Status	Effective
SB 126	Oklahoma Commission on the Status of Women	Signed	7/1/03
SB 138	Appropriations	Signed	7/1/03
SB 146	Appropriations	Signed	7/1/03
SB 149	Agencies	Signed	7/1/03
SB 189	Appropriations	Signed	7/1/03
SB 194	Biennial Compensation Review Board, Compensation, Recruitment & Selection	Signed	7/1/03 & 11/1/03
SB 196	Unclassified Service	Signed	8/29/03
SB 371	Voluntary Payroll Deduction	Signed	4/21/03
SB 408	Agencies	Signed	7/1/03
SB 421	State Employee Advocacy Rights Act	Vetoed	N/A
SB 425	Agencies	Signed	5/26/03
SB 426	Agencies	Signed	7/1/03
SB 647	Leave	Signed	7/1/03
SB 703	Compensation, Employee Assistance Program, Human Resources Management Advisory Committee, Leave, Miscellaneous, Performance Appraisal, Recruitment & Selection, Reduction-in-Force, Severance Benefits, State Employee Personal Information, State Mentor Program, Unclassified Service, Voluntary Payroll Deduction	Signed	7/1/03
SB 722	Agencies	Signed	5/14/03
SB 810	Oklahoma Commission on the Status of Women	Signed	5/13/03

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¹ Bills, listed by topic, that amend the Oklahoma Personnel Act, relate to OPM in general or to an OPM program area, or require action by the Administrator and/or OPM.

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² Bills, listed by topic, that (usually) do not amend the Oklahoma Personnel Act, but are of interest to OPM. [Editor's Note: Though HB 1101 and HB 1127 amend the Oklahoma Personnel Act, they amend sections over which the Merit Protection Commission has jurisdiction, and so are listed in Part 2 rather than in Part 1.]

³ Bills of interest to OPM, listed by topic, that were vetoed by the Governor.

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⁴ Indices of bills, by number and topic, and a table listing the sections of the Oklahoma Personnel Act that were amended during the 2003 session.

Part 1*

**Bills, listed by topic, that amend the Oklahoma Personnel Act,
relate to OPM in general or to an OPM program area,
or require action by the Administrator and/or OPM.**

Senate Bill 146

Topic: Appropriations

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Henry May 23, 2003.

Description: Appropriates \$4,602,700.00 to the Office of Personnel Management for FY 04 and establishes an FTE limit of 116.5.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Senate Bill 194

<u>Topic:</u>	Biennial Compensation Review Board
<u>Authors:</u>	Morgan & Robinson of the Senate/Mitchell & Bonny of the House
<u>Affected Statute(s):</u>	Creates 74:841.30.
<u>Status:</u>	Signed by Governor Henry June 6, 2003.
<u>Description:</u>	<ul style="list-style-type: none">• Creates the “Oklahoma Biennial Compensation Review Board” to review the annual Office of Personnel Management compensation study and to make compensation adjustment recommendations, including:<ul style="list-style-type: none">✓ increasing the midpoints that are identified in the study for all job family descriptors (JFDs) to within 95 percent of the market, and✓ providing for targeted salary increases for JFDs that are at least 15 percent below the market based upon the study.• Requires the Board to include the Executive Director of the Oklahoma Public Employees Association, two members appointed by the Speaker of the House of Representatives, two members appointed by the President Pro Tempore of the Senate, and two members appointed by the Governor (one member from a state agency with 500 or more employees and the other from a state agency with fewer than 500 employees).• Requires the Board to meet for the first time in September 2003, and every two years thereafter, with staff support provided by the Office of Personnel Management and staff of the Oklahoma State Senate and Oklahoma House of Representatives.• Requires the Board to make compensation recommendations to the Governor, Speaker, and President Pro Tempore on or before January 1 of the year following each September biennial meeting (first report is due January 1, 2004).• Requires OPM to pay the travel reimbursement of nonlegislative members of the Board.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2003.

House Bill 1039

Topic: Compensation

Authors: Erwin of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-2.29.

Status: Signed by Governor Henry April 22, 2003.

Description: Requires that each classified employee who is on-call be compensated for a minimum of two hours of work each time the employee reports to a work location while in an on-call status and works less than two hours.

Rulemaking Required: Requires amendments to OAC 530:10-7-16.

Effective Date: July 1, 2003.

Senate Bill 194

Topic: Compensation

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s): Amends 74:840-2.17.

Status: Signed by Governor Henry June 6, 2003.

Description: Requires that skill-based salary adjustments, other than lump-sum payments, become permanent after 24 months and may not be taken away if the agency granting the adjustment conducts a furlough or reduction-in-force.

Rulemaking Required: Requires amendments to OAC 530:10-7-24.

Effective Date: November 1, 2003.

Senate Bill 703

<u>Topic:</u>	Compensation
<u>Authors:</u>	Leftwich of the Senate/Braddock of the House
<u>Affected Statute(s):</u>	<ul style="list-style-type: none">• Amends 44:209.• Amends 72:48.
<u>Status:</u>	Signed by Governor Henry May 12, 2003.
<u>Description:</u>	Clarifies that “acting incumbents” (individuals hired as unclassified employees to temporarily fill positions vacated by state employees who are on military duty) are entitled to benefits and pay adjustments, e.g., approved differentials and lump-sum adjustments.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2003.

House Bill 1816

Topic: Duplicate Sections

Authors: Touré of the House/Smith of the Senate

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Henry March 19, 2003.

Description: Reconciles changes to 74:840-5.5 made during the 2002 legislative session.

Rulemaking Required: None.

Effective Date: March 19, 2003.

Senate Bill 703

<u>Topic:</u>	Employee Assistance Program
<u>Authors:</u>	Leftwich of the Senate/Braddock of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.10.
<u>Status:</u>	Signed by Governor Henry May 12, 2003.
<u>Description:</u>	Clarifies that a state government Employee Assistance Program (EAP) professional may not be compelled by subpoena to testify concerning the contents of confidential EAP records.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-21-5.
<u>Effective Date:</u>	July 1, 2003.

Senate Bill 703

Topic: Human Resources Management Advisory Committee

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s): Amends 74:840-1.15.

Status: Signed by Governor Henry May 12, 2003.

Description: Transfers the remaining responsibilities of the Human Resources Management Advisory Committee (HRMAC) to the OPM Administrator—model projects, delegation of personnel functions, and the Human Resource Management Plan and Self-Evaluation Report system for state agencies.

Rulemaking Required: Requires amendments to OAC 530:10-1, Parts 3 and 5.

Effective Date: July 1, 2003.

Senate Bill 647

<u>Topic:</u>	Leave
<u>Authors:</u>	Leftwich of the Senate/Hefner of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.20.
<u>Status:</u>	Signed by Governor Henry April 28, 2003.
<u>Description:</u>	Requires that leave accrual for state employees be based on hours worked, paid leave, and holidays, but excluding overtime, not to exceed the total possible work hours for the month.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-15-10 through 530:10-15-12.
<u>Effective Date:</u>	July 1, 2003.

Senate Bill 703

<u>Topic:</u>	Leave
<u>Authors:</u>	Leftwich of the Senate/Braddock of the House
<u>Affected Statute(s):</u>	Amends 74:840-1.6A.
<u>Status:</u>	Signed by Governor Henry May 12, 2003.
<u>Description:</u>	Clarifies that the OPM Administrator's authority to adopt leave rules includes furlough, which is leave without pay.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	July 1, 2003.

Senate Bill 703

Topic: Miscellaneous

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s):

- Amends 74:840-1.18.
- Amends 74:840-2.19.

Status: Signed by Governor Henry May 12, 2003.

Description:

- Clarifies that the “Director” referred to in the section relating to the payment of administrative costs and expenses is an agency Appointing Authority.
- Removes the requirement that state agencies provide to OPM a copy of the notice sent to an employee regarding a payroll claim error and a copy of the documents related to an employee’s protest of the determination of a payroll claim error.

Rulemaking Required: Requires amendments to OAC 530:10-7-31.

Effective Date: July 1, 2003.

House Bill 1556

Topic: Oklahoma Commission on the Status of Women

Authors: McIntyre of the House/Monson of the Senate

Affected Statute(s):

- Amends 74:666.
- Creates 74:669.1.

Status: Signed by Governor Henry April 8, 2003.

Description:

- Strikes obsolete language related to the appointment of members to the Oklahoma Commission on the Status of Women (OCSW).
- Provides that OPM is responsible for providing staff support to the OCSW.
- Establishes a revolving fund for OPM designated the “Oklahoma Commission on the Status of Women Revolving Fund” that will consist of all gifts and donations contributed to support the work of the OCSW.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Senate Bill 126

Topic: Oklahoma Commission on the Status of Women

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Henry June 7, 2003.

Description: Provides for the transfer of funds from the Department of Commerce to OPM for expenditures associated with the Oklahoma Commission on the Status of Women.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Senate Bill 810

Topic: Oklahoma Commission on the Status of Women

Authors: Wilkerson of the Senate/Staggs of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Henry May 13, 2003.

Description:

- Creates the *Special Task Force for Women Incarcerated in Oklahoma*, to be composed of 11 members including the chair and vice-chair of the Oklahoma Commission on the Status of Women.
- Requires Task Force members to be reimbursed for travel from monies available to the entities they represent.

**Rulemaking
Required:** None.

Effective Date: May 13, 2003.

Senate Bill 703

Topic: Performance Appraisal

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s): Amends 74:840-4.17.

Status: Signed by Governor Henry May 12, 2003.

Description: Requires the OPM Administrator to prescribe a form agencies must use to confirm that they are in compliance with this section of law regarding performance appraisals.

Rulemaking Required: Requires amendments to OAC 530:10-17-31.

Effective Date: July 1, 2003.

Senate Bill 194

<u>Topic:</u>	Recruitment and Selection
<u>Authors:</u>	Morgan & Robinson of the Senate/Mitchell & Bonny of the House
<u>Affected Statute(s):</u>	<ul style="list-style-type: none">• Amends 74:840-4.13.• Amends 74:840-4.15.
<u>Status:</u>	Signed by Governor Henry June 6, 2003.
<u>Description:</u>	<ul style="list-style-type: none">• Requires an agency director to justify in writing to the OPM Administrator why he or she wishes to exclude relevant public or private sector experience from the minimum qualifications for a position.• Requires the OPM Administrator to approve, before the reposting of a previously-posted vacancy, any qualification change made by an agency appointing authority in the position previously posted.
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	November 1, 2003.

Senate Bill 703

- Topic:** Recruitment and Selection
- Authors:** Leftwich of the Senate/Braddock of the House
- Affected Statute(s):** Amends 74:840-4.15.
- Status:** Signed by Governor Henry May 123, 2003.
- Description:**
- Strikes the requirement that agencies post vacancy notices conspicuously in transparent, secured enclosures situated in prominent locations throughout the agency.
 - Adds the requirement that agencies describe in their promotional plan the method by which all agency employees will be notified of vacancy announcements.
 - Requires that promotional postings include a listing of job title, major work duties, and minimum qualifications, instead of the job family descriptor.
- Rulemaking Required:** Requires amendments to OAC 530:10-11-51.
- Effective Date:** July 1, 2003.

House Bill 1086

<u>Topic:</u>	Reorganization
<u>Authors:</u>	Carey of the House/Gumm of the Senate
<u>Affected Statute(s):</u>	Amends 74:840-2.27B.
<u>Status:</u>	Signed by Governor Henry April 22, 2003.
<u>Description:</u>	Defines “reorganization” as the planned elimination, addition, or redistribution of functions or duties either wholly within an agency, any of its subdivisions, or between agencies.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-13-2.
<u>Effective Date:</u>	April 22, 2003.

House Bill 1101

Topic: Reduction-in-Force

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-2.27C.

Status: Signed by Governor Henry June 3, 2003.

Description: Requires Cabinet Secretary approval of an agency's notice of a reduction-in-force. This requirement does not apply if there is no Cabinet Secretary for the agency.

Rulemaking Required: Requires amendments to OAC 530:10-13-3.

Effective Date: June 3, 2003.

Senate Bill 703

Topic: Reduction-in-Force

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s):

- Amends 74:840-2.27B.
- Amends 74:840-2.27C.

Status: Signed by Governor Henry May 123, 2003.

Description:

- Removes references to unclassified employees from the definitions section of the reduction-in-force provisions of the Oklahoma Personnel Act.
- Removes the requirement that agencies provide a reduction-in-force plan to the OPM Administrator for approval.
- Adds the requirement that agencies post a reduction-in-force notice and send this notice to the Administrator.
- Gives agencies five days after the posting of the notice, rather than the current two days, to post the reduction-in-force implementation plan.

Rulemaking Required: Requires amendments to OAC 530:10-13-2 and 10-13-3.

Effective Date: July 1, 2003.

House Bill 1086

<u>Topic:</u>	Reduction-in-Force Severance Benefits
<u>Authors:</u>	Carey of the House/Gumm of the Senate
<u>Affected Statute(s):</u>	Amends 74:840-2.27D.
<u>Status:</u>	Signed by Governor Henry April 22, 2003.
<u>Description:</u>	<p>Provides severance benefits for employees affected by a reorganization or any other action by an agency that results in affected positions being abolished and affected employees being separated from state service.</p> <p><i>Summary of provisions related to severance benefits for unclassified employees: Effective July 1, 2003, a state agency is not required to provide severance benefits to unclassified employees (but may provide benefits) EXCEPT when the agency (1) conducts a reduction-in-force of classified employees, and (2) separates unclassified employees for the same reasons that the agency conducted a reduction-in-force of classified employees.</i></p>
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:10-13-12.
<u>Effective Date:</u>	April 22, 2003.

House Bill 1101

Topic: Reduction-in-Force Severance Benefits

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-2.27D.

Status: Signed by Governor Henry June 3, 2003.

Description:

- Removes unclassified employees from the list of employees entitled to receive severance benefits.
- Requires agencies to provide severance benefits to regular unclassified employees who are separated as a result of the same conditions that caused the agency to conduct a reduction-in-force of classified employees.

Summary of provisions related to severance benefits for unclassified employees: Effective July 1, 2003, a state agency is not required to provide severance benefits to unclassified employees (but may provide benefits) EXCEPT when the agency (1) conducts a reduction-in-force of classified employees, and (2) separates unclassified employees for the same reasons that the agency conducted a reduction-in-force of classified employees.

Rulemaking Required: Requires amendments to OAC 530:10-13-12.

Effective Date: July 1, 2003.

Senate Bill 703

- Topic:** Reduction-in-Force Severance Benefits
- Authors:** Leftwich of the Senate/Braddock of the House
- Affected Statute(s):**
- Amends 74:840-2.27E.
 - Amends 74:840-5.1A.
- Status:** Signed by Governor Henry May 12, 2003.
- Description:**
- Clarifies that an employee who is re-employed by the agency from which separated as a result of a reduction-in-force within one year of separation must repay all severance benefits received on a proportional basis.
 - Authorizes state agencies to provide severance benefits to regular unclassified employees with one year or more continuous state service who are separated for budgetary reasons.
 - Requires the Director of the Office of State Finance to review and reject any severance benefits plan for unclassified employees that does not meet certain requirements.
- Summary of provisions related to severance benefits for unclassified employees: Effective July 1, 2003, a state agency is not required to provide severance benefits to unclassified employees (but may provide benefits) EXCEPT when the agency (1) conducts a reduction-in-force of classified employees, and (2) separates unclassified employees for the same reasons that the agency conducted a reduction-in-force of classified employees.*
- Rulemaking Required:** Requires amendments to OAC 530:10-13-12.
- Effective Date:** July 1, 2003.

Senate Bill 703

<u>Topic:</u>	State Employee Personal Information
<u>Authors:</u>	Leftwich of the Senate/Braddock of the House
<u>Affected Statute(s):</u>	Amends 74:840-2.11.
<u>Status:</u>	Signed by Governor Henry May 12, 2003.
<u>Description:</u>	Provides that the information related to the personal electronic communication devices, e.g., cell phones, pagers, etc., of current and former state employees are not open to public inspection or disclosure without written permission from the current or former state employee or without an order from a court of competent jurisdiction.
<u>Rulemaking Required:</u>	Requires amendments to OAC 530:1-1-14.
<u>Effective Date:</u>	July 1, 2003.

Senate Bill 703

Topic: State Mentor Program

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s): Amends 74:840-3.8.

Status: Signed by Governor Henry May 12, 2003.

Description:

- Permits intermittent Mentor Executive rotations.
- Requires the appointing authority of each Mentor Executive to participate in the design and implementation of the Mentor Executive's management rotations.

Rulemaking Required: Requires amendments to OAC 530:10-17-156.

Effective Date: July 1, 2003.

House Bill 1101

Topic: Unclassified Service

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Henry June 3, 2003.

Description:

- Increases unclassified authorizations for the Department of Central Services and the Department of Agriculture, Food, and Forestry.
- Extends the authorization for unclassified appointments related to the CORE/PeopleSoft Project until December 31, 2005.

See also SB 196.

**Rulemaking
Required:** None.

Effective Date: June 3, 2003.

House Bill 1415

Topic: Unclassified Service

Authors: Staggs of the House/Crutchfield of the Senate

Affected Statute(s): • Amends 74:840-5.3.
 • Amends 74:840-5.12.

Status: Signed by Governor Henry April 15, 2003.

Description: • Provides unclassified authorizations for the superintendents of the Department of Rehabilitation Services School for the Blind and School for the Deaf.
 • “Cleans up” current provisions.

**Rulemaking
Required:** None.

Effective Date: July 1, 2003.

House Bill 1800

Topic: Unclassified Service

Authors: Carey of the House/Monson of the Senate

Affected Statute(s): Creates 74:840-5.1B

Status: Signed by Governor Henry April 10, 2003.

Description:

- Creates the State Classification Task Force to review state unclassified positions and make recommendations to the Legislature concerning the
 - ✓ current unclassified service, and
 - ✓ feasibility of proposals to add positions to or remove positions from the unclassified service.
- Requires the Task Force to meet each November.
- Requires OPM to provide staff support to the Task Force.

**Rulemaking
Required:** None.

Effective Date: October 1, 2003.

Senate Bill 196

<u>Topic:</u>	Unclassified Service
<u>Authors:</u>	Morgan & Robinson of the Senate/Mitchell & Bonny of the House
<u>Affected Statute(s):</u>	Amends 74:840-5.5.
<u>Status:</u>	Signed by Governor Henry June 4, 2003.
<u>Description:</u>	<ul style="list-style-type: none">• Increases unclassified authorizations for the Department of Central Services and the Department of Agriculture, Food, and Forestry.• Extends the authorization for unclassified appointments related to the CORE/PeopleSoft Project until December 31, 2005. <p><i>See also HB 1101.</i></p>
<u>Rulemaking Required:</u>	None.
<u>Effective Date:</u>	August 29, 2003.

Senate Bill 703

Topic: Unclassified Service

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Henry May 12, 2003.

Description:

- Permits permanent classified employees to request a two-year leave of absence to accept an unclassified appointment as an “acting incumbent” (an individual hired as an unclassified employee to temporarily fill a position vacated by a state employee who is on military duty).
- Adds nurses to the list of discretionary unclassified positions.

**Rulemaking
Required:** May require an amendment to OAC 530:10-11-134.

Effective Date: July 1, 2003.

House Bill 1415

Topic: Voluntary Payroll Deduction

Authors: Staggs of the House/Crutchfield of the Senate

Affected Statute(s): Amends 62:7.10.

Status: Signed by Governor Henry April 15, 2003.

Description: Requires the Rehabilitation Services Commission, upon request, to make payroll deductions for statewide education organization/association membership dues for instructional personnel of the School for the Blind and the School for the Deaf.

Rulemaking Required: Requires amendments to OAC 530:15-1.

Effective Date: July 1, 2003.

Senate Bill 371

Topic: Voluntary Payroll Deduction

Authors: Shurden of the Senate/Wilson of the Hosue

Affected Statute(s): Amends 62:7.10.

Status: Signed by Governor Henry April 21, 2003.

Description: Permits subscriptions to *Oklahoma Today* magazine to be automatically deducted from state employee paychecks.

Rulemaking Required: Requires amendments to OAC 530:15-1.

Effective Date: April 21, 2003.

Senate Bill 703

Topic: Voluntary Payroll Deduction

Authors: Leftwich of the Senate/Braddock of the House

Affected Statute(s): Amends 62:7.10.

Status: Signed by Governor Henry May 12, 2003.

Description: Clarifies that state agencies, rather than OPM, are required to accept online or electronically-submitted forms from the Oklahoma Public Employees Association and other state employee associations.

Rulemaking Required: Requires amendments to OAC 530:15-1.

Effective Date: July 1, 2003.

House Bill 1058

Topic: Whistleblower

Authors: Ellis of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-2.5.

Status: Signed by Governor Henry April 21, 2003.

Description: Permits state employees to discuss state agency operations and functions with members of the print or electronic media.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Part 2*

*** Bills, listed by topic, that (usually) do not amend the Oklahoma Personnel Act, but are of interest to OPM.**

House Bill 1101

Topic: Agencies

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-5.10.

Status: Signed by Governor Henry June 3, 2003.

Description:

- Authorizes *CompSource Oklahoma* to develop a plan for a pilot program for incentive-based compensation for its employees beginning July 1, 2003, and ending no later than June 30, 2006.
- Provides that the plan is subject to the review and approval of the OPM Administrator.
- Requires the OPM Administrator to report on the pilot program to the Governor, Speaker, and Pro Tempore on or before January 1, 2006.

Rulemaking Required: None.

Effective Date: June 3, 2003.

Senate Bill 149

Topic: Agencies

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s):

- Amends 74:840-2.18.
- Noncodified.

Status: Signed by Governor Henry June 4, 2003.

Description:

- Requires that years of service with a local conservation district be included for purposes of determining longevity pay for local conservation district employees transferred to the Oklahoma Conservation Commission pursuant to SB 149.
- Transfers various conservation district employees to the Oklahoma Conservation Commission as unclassified employees without loss of benefits including accrued sick and annual leave.
- Provides that transferred employees will accrue sick and annual leave pursuant to 74:840-2.20, and that time served with a local conservation district is creditable for leave accrual purposes.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Senate Bill 408

Topic: Compensation

Authors: Easley of the Senate/Rice of the House

Affected Statute(s): Amends 82:864.

Status: Signed by Governor Henry June 6, 2003.

Description:

- Requires OPM, in its biannual Grand River Dam Authority (GRDA) compensation study, to compare all classified GRDA positions, including support and maintenance staff, with comparable positions within other similarly-sized electrical generating utilities.
- Removes the requirement that GRDA implement the study's recommendations within existing Merit System guidelines.
- Permits GRDA to increase its base payroll in excess of the study's recommendations.

**Rulemaking
Required:** None.

Effective Date: August 29, 2003.

Senate Bill 425

Topic: Agencies

Authors: Helton of the Senate/Roan of the House

Affected Statute(s):

- Amends 47:2-105.
- Amends 74:840-5.5.

Status: Signed by Governor Henry May 26, 2003.

Description:

- Provides that any classified Department of Public Safety (DPS) Highway Patrol officer appointed to an unclassified chief, assistant chief, or major position has a right of return to the highest previously-held classified commissioned position within the Highway Patrol without loss of rights, etc.
- Establishes statutory minimum qualifications for DPS Highway Patrol Chief (Colonel), Assistant Chief (Lt. Colonel), and Major.
- Clarifies that the DPS Law Enforcement Programs Administrator positions that were unclassified in 2002 are actually the Director positions for Driver License Administration, Transportation, Alcohol and Drug Countermeasures, and Highway Safety.
- Provides that a DPS classified employee appointed to certain unclassified positions has the right to return to his or her classified position.

Rulemaking Required: None.

Effective Date: May 26, 2003.

Senate Bill 426

Topic: Agencies

Authors: Wilkerson of the Senate/Paulk of the House

Affected Statute(s):

- Amends 47:2-105.
- Creates 47:2-105A.
- Creates 47:2-105B.
- Creates 47:759.1

Status: Signed by Governor Henry June 6, 2003.

Description:

- Requires that Department of Public Safety (DPS) commissioned officers be at least 21 but less than 43.
- Substitutes two years of military service in combat arms, military security or military rescue, completed consecutively and no more than two years prior to application for appointment, for two years experience as a CLEET-certified law enforcement officer.
- Provides that DPS commissioned officers may not appeal intra-agency transfer.
- Transfers DPS employees classified as Training Specialist IIIs, who are CLEET-certified and commissioned officers, to the Capitol Patrol, and requires that these employees be paid according to the commissioned officer salary schedule.
- Authorizes the DPS Commissioner to employ an unclassified chaplain when funds are available, and to pay him or her according to the commissioned officer salary schedule.
- Abolishes the DPS Alcohol Drug Countermeasures Unit and transfers the Unit's employees to the Board of Tests for Alcohol and Drug Influence.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Senate Bill 722

Topic: Agencies

Authors: Fisher of the Senate/Hilliard of the House

Affected Statute(s): Creates 62:695.7a.

Status: Signed by Governor Henry May 14, 2003.

Description:

- Makes the Department of Central Services (DCS) Office of the State Bond Advisor a separate non-Merit System state agency.
- Transfers the three unclassified DCS State Bond Advisor employees to the Office of the State Bond Advisor.

**Rulemaking
Required:** None.

Effective Date: May 14, 2003.

Senate Bill 138

Topic: Appropriations

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Henry June 7, 2003.

Description: Appropriates \$7 million from the State Treasurer's Special Cash Fund to the Office of State Finance for the CORE/PeopleSoft project.

Rulemaking Required: None.

Effective Date: July 1, 2003.

Senate Bill 189

Topic: Appropriations

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s): Noncodified.

Status: Signed by Governor Henry April 7, 2003.

Description: Appropriates \$1 million to the Office of State Finance for the CORE/PeopleSoft project.

Rulemaking Required: None.

Effective Date: April 7, 2003.

House Bill 1127

Topic: Discipline

Authors: Lerblance of the House/Gumm of the Senate

Affected Statute(s): Amends 74:840-6.3.

Status: Signed by Governor Henry March 31, 2003.

Description:

- Requires the Merit Protection Commission to adopt rules prohibiting supervisors from considering incidents that occurred longer than four years before an offense in order to move to a higher level of discipline.
- Prohibition does not apply to: criminal activity, sexual misconduct and/or harassment, racially discriminatory behavior and/or harassment, threats or acts of violence against employees in the workplace, and drug and/or alcohol use or abuse on the job.

Rulemaking Required: None by OPM.

Effective Date: March 31, 2003.

House Bill 1593

Topic: Discipline

Authors: Pope of the House/Rabon of the Senate

Affected Statute(s): Creates 68:238.2.

Status: Signed by Governor Henry June 4, 2003.

Description:

- Requires that a state employee be subject to disciplinary action by his or her agency Appointing Authority if the Oklahoma Tax Commission (OTC) determines that the employee is not in compliance with state tax laws.
- Requires a state agency to terminate an employee who has been subject to disciplinary action pursuant to the provisions of HB 1593 two or more times in the previous three calendar years.
- Requires OTC to adopt rules to implement.

Rulemaking Required: None by OPM.

Effective Date: July 1, 2003.

House Bill 1101

Topic: Merit Protection Commission

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-6.5.

Status: Signed by Governor Henry June 3, 2003.

Description: Requires the Merit Protection Commission to hear a petition to reconsider within a particular time period.

Rulemaking Required: None by OPM.

Effective Date: June 3, 2003.

House Bill 1101

Topic: Miscellaneous

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:4257.

Status: Signed by Governor Henry June 3, 2003.

Description: Permits a former statewide elected official who was an *ex officio* member of a board or commission to be employed by the board or commission, if the former statewide official completed his or her term in office.

**Rulemaking
Required:** None.

Effective Date: June 3, 2003.

House Bill 1101

Topic: Unclassified Service

Authors: Easley of the House/Corn of the Senate

Affected Statute(s): Amends 74:840-5.10.

Status: Signed by Governor Henry June 3, 2003.

Description:

- Changes the names of several of *CompSource Oklahoma's* unclassified positions.
- Adds unclassified authorizations for Executive Secretaries to the Vice Presidents, Workers' Compensation Insurance Adjusters, and Workers' Compensation Insurance Underwriters.

**Rulemaking
Required:** None.

Effective Date: June 3, 2003.

Senate Bill 196

Topic: Unclassified Service

Authors: Morgan & Robinson of the Senate/Mitchell & Bonny of the House

Affected Statute(s): Amends 74:840-5.5.

Status: Signed by Governor Henry June 4, 2003.

Description: Provides that on September 1, 2003, the three employees in the unclassified Administrative Service Assistant positions at the ABLE Commission may “make an election” to be in the classified service without loss in salary.

Rulemaking Required: None.

Effective Date: August 29, 2003.

House Bill 1114

Topic: Vendor Access

Authors: Erwin of the House/Gumm of the Senate

Affected Statute(s): Amends 74:842.

Status: Signed by Governor Henry March 31, 2003.

Description:

- Requires state agencies to permit product vendors approved for payroll deduction pursuant to 62:7.10, “reasonable access” to state employees for the purpose of providing information concerning their products.
- Clarifies that access will be during scheduled breaks or during periods immediately before or after normal work hours, and during each shift in 24-hour state facilities.

**Rulemaking
Required:** None.

Effective Date: March 31, 2003.

Part 3*

*** Bills of interest to OPM, listed by topic,
that were vetoed by the Governor.**

House Bill 1744

Topic: Performance Appraisal

Authors: Miller of the House/Nichols of the Senate

Affected Statute(s): Amends 74:840-4.17.

Status: Vetoed by the Governor May 26, 2003.

Description:

- Requires OPM to design a performance management system for all state agencies that provides for identification by the immediate supervisor of accountabilities upon which the employee will be evaluated and a mid-term interview with the immediate supervisor for the purpose of discussing the progress of the employee in meeting the accountabilities upon which the employee will be evaluated.
- Removes the prohibition against the Merit Protection Commission having jurisdiction to investigate or hear appeals of individual service ratings.

Veto Message: *I have VETOED House Bill 1744. This bill would make every performance evaluation of a classified employee subject to appeal to the Merit Protection Commission which would further complicate the evaluation process, make the evaluation process more adversarial in nature, and potentially undermine the state government performance management system, including performance-based pay and promotion programs. Additionally, subjecting classified employee performance evaluations to appeal to the Merit Protection Commission will compromise the confidentiality of employee performance appraisals and have a negative fiscal impact.*

Senate Bill 421

Topic: State Employee Advocacy Rights Act

Authors: Gumm of the Senate/Carey, et al. of the House

Affected Statute(s): Creates 74:843, et seq.

Status: Vetoed by the Governor May 28, 2003.

Description: Creates the “State Employee Advocacy Rights Act” and requires state agencies to allow certain employee organizations (those with payroll deduction privileges pursuant to 62:7.10, i.e., the Oklahoma Public Employees Association, Communications Workers of America, and the Troopers Association) to:

- hold meetings on state property during non-working hours,
- communicate with state employees via e-mail, and
- provide information to state agencies to be included in new employee packets.

Note: The other provisions of SB 421 were moved to SB 194, which was passed by the Legislature and signed by the Governor and is discussed elsewhere in this document.

Veto Message: *I have VETOED Senate Bill 421. This legislation has several positive provisions, but would unfortunately permit state agency e-mail systems and other resources to be used for communications not related to the conduct of official state business, which violates the state constitution and other laws governing such activities. State e-mail systems and state property or resources should be used for public purposes only.*

Part 4

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**Sections of the Oklahoma Personnel Act
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OPA Section	Action	Bill Number
840-1.6A	Amended	SB 703
840-1.15	Amended	SB 703
840-1.18	Amended	SB 703
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840-2.29	Amended	HB 1039
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840-5.3	Amended	HB 1415
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840-6.5	Amended	HB 1101
841.30	Created	SB 194
842	Amended	HB 1114