

OPM 01-46

DATE: June 6, 2001
TO: All Appointing Authorities
FROM: Oscar B. Jackson, Jr., Administrator and
Cabinet Secretary of Human Resources
RE: **2001 Major HR-Related Legislation**

During the 2001 session, the Oklahoma Legislature passed a number of human resources-related bills that affect state agencies and employees. Though we will provide you with more detailed information regarding several individual bills in the coming weeks, you may find the following list helpful in the interim. This list includes major, generally-applicable HR-related legislation. It does not include legislation regarding specific agencies, retirement, insurance, or appropriations.

If you have questions concerning state government HR legislation, please contact Dayna R. Petete, OPM Assistant Administrator for Special Projects and Legislative Liaison, by phone at (405) 521-6293, or via e-mail at Dayna.Petete@opm.state.ok.us.

Compensation

Though the Legislature did not approve an across-the-board salary increase for all state employees, members passed and the Governor signed several bills providing for targeted pay increases for selected corrections, nursing, patient care, juvenile justice, and transportation positions identified by the Oklahoma Public Employees Association as having recruitment and retention problems: Enrolled House Bill 1546 (Mass & Bonny/Haney & Hobson), Enrolled House Bill 1768 (Dunegan/ Dickerson), and Enrolled Senate Bill 702 (Taylor/Mass). In addition, Enrolled House Bill 1394 (Nance/Herbert) provides an annualized increase and back pay for fugitive apprehension officers employed by the Department of Corrections, and Enrolled House Bill 1548 increases the maximum salary for court reporters employed by the Oklahoma Corporation Commission, the Workers' Compensation Court, and the District Courts.

Effective July 1, 2001.

House Bill 1768 Dunegan/Dickerson

Section 2 of Enrolled HB 1768 amends 74:840-1.6A to require the OPM Administrator to conduct a study every two years of selected job family levels with high turnover; with salaries ten percent or more below market; and which have recruitment and retention problems.

Effective July 1, 2001.

House Bill 1768 Dunegan/Dickerson

Section 3 of Enrolled HB 1768 amends 74:840-2.17 to:
?? Clarify that all raises are prohibited (not just across-the-board raises)

HB 1768, continued

except those expressly authorized in 74:840-2.17.

- ?? Authorize a five percent adjustment for lateral transfers *within the same job family or to another job family and level assigned the same salary band.*
- ?? Authorize performance-based adjustments for employees who received at least a “meets standards” rating on their most current performance rating. **Note: Performance-based adjustments (“pay-for-performance”) may not be implemented before an emergency amendment to the Merit Rules has been promulgated. OPM will disseminate additional information regarding this issue within the next few weeks.**
- ?? Authorizes a five percent adjustment following a trial period after promotion to a different job family *level.*

Effective July 1, 2001.

**Senate Bill 224
Haney & Hobson/
Mass & Bonny**

Enrolled SB 224 creates noncodified law to require the OPM Administrator to conduct a study of all agency director salaries for the purpose of determining the market rate of pay for the services being performed by these directors, and to report his findings to the Governor and legislative leadership by January 1, 2002.

Effective July 1, 2001.

**Senate Bill 571
Helton/Nations**

Section 4 of Enrolled SB 571 creates law at 74:840-2.29 to require that a classified employee in an institutional setting who is on-call receive a minimum of two hours of work if he or she reports to work while on-call.

Effective July 1, 2001.

Employee Actions

**House Bill 1156
McCarter/Wilkerson**

Enrolled HB 1156 amends 74:150.8 to require a 12-month trial period for any employee of the Oklahoma State Bureau of Investigation (OSBI) promoted, voluntarily demoted, or transferred into an agent or criminalist position, and a 12-month probationary period for any classified state employee who transfers interagency into an OSBI agent or criminalist position.

Effective July 1, 2001.

**House Bill 1768
Dunegan/Dickerson**

Section 26 of Enrolled House Bill 1768 amends 72:403 to make the probationary period for special disabled veterans consistent with the probationary period for other state employees—one year, with agency authorization to waive the remainder in writing after the employee has served six months.

Effective July 1, 2001.

Employee Recognition

**House Bill 1332
Nations/Coffee**

Enrolled HB 1332 creates law at 74:4121 to provide that state agencies may establish employee productivity programs designed to enhance their quality improvement efforts and employee productivity. These

HB 1332, continued

programs must include a process that enables employees to make recommendations to agencies that would improve employee productivity or reduce agency service costs and that would provide recognition to employees whose recommendations lead to improved productivity or agency cost savings. HB 1332 also authorizes agencies to buy such recognition awards as “distinctive wearing apparel, service pins, or United States Savings Bonds” worth no more than \$100.

Effective November 1, 2001.

**House Bill 1768
Dunegan/Dickerson**

Section 20 amends 74:4117 to raise the \$5,000 cap on Productivity Enhancement Program (PEP) incentive awards to \$10,000.

Effective July 1, 2001.

**Senate Bill 571
Helton/Nations**

Section 1 of Enrolled SB 571 amends 56:162.6 to direct the OPM Administrator to establish an on-the-job employee performance recognition program that encourages outstanding job performance and productivity.

Section 1 authorizes state agencies to:

- ?? purchase recognition awards to be presented to individual employees or work units having exceptional job performance records or other significant contributions,
- ?? provide for a formal or informal ceremony or banquet where the awards may be presented,
- ?? purchase distinctive wearing apparel, service pins, plaques, or other awards worth up to \$150.00, and
- ?? establish an employee benefit program not exceeding \$5,000 each fiscal year for cash awards to recognize outstanding performance in the workplace by agency employees.

Section 5 of Enrolled SB 571 recodifies 56:162.6 as 74:4121.

Effective November 1, 2001.

Leave

**House Bill 1119
Adair/Taylor**

Enrolled HB 1119 amends 74:840-2.23 to permit a state employee to receive up to a maximum of 365 days of donated leave if the employee is suffering from an illness which has been certified in writing by a licensed physician or health care practitioner as being terminal (likely to result in death within two calendar years).

Effective February 20, 2001.

**House Bill 1768
Dunegan/Dickerson**

Section 5 of Enrolled HB 1768 amends 74:840-2.23 to permit the donation of leave to a state employee for absences related to the death of that employee’s immediate family or household member, but limits the use of donated leave for this purpose to five days.

Effective July 1, 2001.

Senate Bill 571
Helton/Nations

Section 3 of Enrolled SB 571 amends 74:840-2.20 to combine the two state leave schedules, making the annual leave accrual rate the same for all state employees by increasing the accrual rate for employees hired since July 1, 1996.

Effective November 1, 2001.

Senate Bill 611
Wilkerson/Turner

Enrolled SB 611 amends 74:840-2.23 to authorize an agency chief administrative officer to approve the use of donated leave above the maximum amount provided for in 74:840-2.23 upon the written request of an employee who either has reached or will reach the maximum in the near future. The maximum for an employee suffering from a terminal illness is 365 days during total state employment; for all other employees, the maximum is 261 days during total state employment.

Effective June 1, 2001.

Miscellaneous

House Bill 1768
Dunegan/Dickerson

?? Section 1 of Enrolled HB 1768 amends 74:840-1.3 to define “supervisor” as a classified or unclassified officer or employee who has been assigned authority and responsibility for evaluating the performance of subordinates. Currently, this definition is in 74:840-3.1, which pertains to training programs for supervisory personnel.

?? Section 9 of Enrolled HB 1768 strikes the definition of “supervisor” in 74:840-3.1.

House Bill 1768
Dunegan/Dickerson

Section 2 of Enrolled HB 1768 amends 74:840-1.6A to direct the OPM Administrator to:

?? order compliance with the Oklahoma Personnel Act, Merit Rules, and all memoranda or other written communications explaining the Act, the Rules, and any other matter relating to the Merit System or under OPM jurisdiction, and

?? take action pursuant to 74:840-6.9 for failure to implement those orders. Section 840-6.9 authorizes the OPM Administrator to levy an administrative of up to \$5,000 against any person who fails or refuses to implement a written order of the Administrator.

Effective July 1, 2001.

House Bill 1768
Dunegan/Dickerson

Section 10 of Enrolled HB 1768 amends 74:840-4.12 to authorize the OPM Administrator to keep test materials confidential, but to require him to disclose such materials pursuant to a court order and establishment of a protective order.

Effective July 1, 2001.

House Bill 1768
Dunegan/Dickerson

Section 21 of Enrolled HB 1768 amends 74:4190 to require that licensed spaces in state-run child care centers be open to all eligible children, with first priority given to minor dependents of state employees and second priority given to children financially eligible for DHS child care assistance.

Effective July 1, 2001.

Performance Appraisal

House Bill 1768
Dunegan/Dickerson

Section 11 of Enrolled HB 1768 amends 74:840-4.17 to:

- ?? Strike the requirement that agencies send copies of performance appraisals to OPM,
- ?? Add the requirement that agencies confirm in writing that they have complied with 74:840-4.17,
- ?? Direct the OPM Administrator to conduct an annual random audit regarding state agencies' compliance with 74:840-4.17.

Effective July 1, 2001.

Unclassified Service

Enrolled House Bills 1103, 1231, 1464, 1768, and 1831, and Enrolled Senate Bills 318, 497, and 748 increase unclassified authorizations for nine different state agencies.

Effective July 1, 2001.

House Bill 1768
Dunegan/Dickerson

Sections 5 - 8 of Enrolled HB 1768 amend various sections of the Oklahoma Personnel Act to require regular unclassified employees to have one year or more of continuous service with the state before being eligible to participate in certain programs authorized by the Oklahoma Personnel Act, e.g., donated leave and severance benefits. Currently, the Act requires six months of continuous service for participation.

Effective July 1, 2001.