



STATE OF OKLAHOMA  
OFFICE OF PERSONNEL MANAGEMENT

*"Serving Equal Opportunity Employers"*

**OPM 03-25**

**DATE:** June 12, 2003  
**TO:** All Appointing Authorities  
**FROM:** Oscar B. Jackson, Jr., Administrator and  
Cabinet Secretary of Human Resources and Administration  
**RE:** **2003 Major HR-Related Legislation**

During the 2003 session, the Oklahoma Legislature passed a number of human resources-related bills that affect state agencies and employees. Though we may 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. You may view the bills mentioned in this memo on the Website of the [Secretary of State](#).

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

**Compensation**

**House Bill 1039**  
***Erwin/Corn***

Enrolled HB 1039 amends 74:840-2.29 to require that each classified employee who is on-call be compensated for a minimum of two hours of work anytime the employee reports to a work location while on-call and works less than two hours.

*Effective July 1, 2003.*

**Senate Bill 194**  
***Morgan & Robinson/  
Mitchell, Bonny &  
Balkman***

- Section 1 of Enrolled SB 194 amends 74:840-2.17 to require that skill-based salary adjustments, other than lump-sum payments, become permanent after 24 months and may not be taken away if the employing agency conducts a furlough or reduction-in-force.

*Effective November 1, 2003.*

- Section 4 of Enrolled SB 194 creates the "Oklahoma Biennial Compensation Review Board" at 74:841.30, consisting of the Executive Director of the Oklahoma Public Employees Association, and members appointed by the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate, to review the OPM compensation study and to make compensation adjustment recommendations, including 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.

*Effective July 1, 2003.*

*"We serve the people of Oklahoma by delivering reliable and innovative human resource services to our partner agencies to achieve their missions."*

**Senate Bill 703**  
**Leftwich/Braddock**

Section 1 (amending 44:209) and Section 5 (amending 72:48) of Enrolled SB 703 clarify 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.

*Effective July 1, 2003.*

**Discipline**

**House Bill 1127**  
**Lerblance/Gumm**

Enrolled HB 1127 amends 74:840-6.3 to require 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. This 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.

*Effective March 31, 2003.*

**OPM State Employee Assistance Program**

**Senate Bill 703**  
**Leftwich/Braddock**

Section 9 of Enrolled SB 703 amends 74:840-2.10 to clarify that an OPM State Employee Assistance Program (EAP) professional may not be compelled by subpoena to testify concerning the contents of confidential EAP records.

*Effective July 1, 2003.*

**Human Resources Management Advisory Committee**

**Senate Bill 703**  
**Leftwich/Braddock**

Section 7 of Enrolled SB 703 amends 74:840-1.15 to transfer 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.

*Effective July 1, 2003.*

**Leave**

**Senate Bill 647**  
**Leftwich/Hefner**

Enrolled SB 647 amends 74:840-2.20 to require 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.

*Effective July 1, 2003.*

**Senate Bill 703**  
**Leftwich/Braddock**

Section 6 of Enrolled SB 703 amends 74:840-1.6A to clarify that the Administrator’s authority to adopt leave rules includes furlough, which is leave without pay.

*Effective July 1, 2003.*

**State Mentor Program**

**Senate Bill 703**  
**Leftwich/Braddock**

Section 16 of Enrolled SB 703 amends 74:840-3.8 to permit intermittent Mentor Executive rotations and require the appointing authority of each

Mentor Executive to participate in the design and implementation of the Mentor Executive's management rotations.

*Effective July 1, 2003.*

### **Miscellaneous**

**House Bill 1593**  
**Pope/Rabon**

Section 1 of Enrolled HB 1593 creates law at 68:238.2 to:

- Provide that a state employee will 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 income tax laws.
- Require 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.
- Require OTC to adopt rules to implement Section 1.

*Effective July 1, 2003.*

**Senate Bill 703**  
**Leftwich/Braddock**

- Section 8 of Enrolled SB 703 amends 74:840-1.18 to clarify that the "Director" referred to in this section, which relates to the payment of administrative costs and expenses, is an agency Appointing Authority, a term that is defined in the Oklahoma Personnel Act.
- Section 11 of Enrolled SB 703 amends 74:840-2.19 to remove 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.

*Effective July 1, 2003.*

### **Performance Management Process**

**Senate Bill 703**  
**Leftwich/Braddock**

Section 18 of Enrolled SB 703 amends 74:840-4.17 to require 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.

*Effective July 1, 2003.*

### **Recruitment and Selection**

**Senate Bill 194**  
**Morgan & Robinson/  
Mitchell, Bonny &  
Balkman**

- Section 2 of Enrolled SB 194 amends 74:840-4.13 to require 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.
- Section 3 of Enrolled SB 194 amends 74:840-4.15 to require 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.

*Effective November 1, 2003.*

**Senate Bill 703**  
**Leftwich/Braddock**

Section 17 of Enrolled SB 703 amends 74:840-4.15 to:

- Strike the requirement that agencies post vacancy notices conspicuously in transparent, secured enclosures situated in prominent locations throughout the agency.

- Add the requirement that agencies describe in their promotional plan the method by which all agency employees will be notified of vacancy announcements.
- Require that promotional postings include a listing of job title, major work duties, and minimum qualifications, instead of the job family descriptor.

*Effective July 1, 2003.*

### **Reduction-in-Force**

**House Bill 1086**  
**Carey/Gumm**

Section 1 of Enrolled HB 1086 amends 74:840-2.27B to define “reorganization” as the planned elimination, addition, or redistribution of functions or duties either wholly within an agency, any of its subdivisions, or between agencies.

*Effective April 22, 2003.*

**House Bill 1101**  
**Easley/Corn**

Section 1 of Enrolled HB 1101 amends 74:840-2.27C to require Cabinet Secretary approval of an agency’s notice of a reduction-in-force. The requirement does not apply if there is no Cabinet Secretary for the agency.

*Effective June 3, 2003.*

**Senate Bill 703**  
**Leftwich/Braddock**

- Section 12 (amending 74:840-2.27B) and Section 13 (amending 74:840-2.27C) of Enrolled SB 703 remove references to unclassified employees from the reduction-in-force provisions of the Oklahoma Personnel Act.
- Section 13 of Enrolled SB 703 amends 74:840-2.27C to:
  - ✓ Remove the requirement that agencies provide a reduction-in-force plan to the OPM Administrator for approval.
  - ✓ Add the requirement that agencies post a reduction-in-force notice and send this notice to the Administrator.
  - ✓ Give agencies five days after the posting of the notice, rather than the current two days, to post the reduction-in-force implementation plan.

*Effective July 1, 2003.*

### **Reduction-in-Force Severance Benefits**

**House Bill 1086**  
**Carey/Gumm**

Section 2 of Enrolled HB 1086 amends 74:840-2.27D to provide severance benefits for employees affected by a reorganization or any other action by an agency which results in affected positions being abolished and affected employees being severed from state service. *[See summary note below.]*

*Effective April 22, 2003.*

**House Bill 1101**  
**Easley/Corn**

Section 2 of Enrolled HB 1101 amends 74:840-2.27D to remove unclassified employees from the list of employees entitled to receive severance benefits, but to require 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. *[See summary note below.]*

*Effective July 1, 2003.*

**Senate Bill 703**  
**Leftwich/Braddock**

- Section 15 of Enrolled SB 703 amends 74:840-2.27E to clarify 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.
- Section 19 of Enrolled SB 703 amends 74:840-5.1A to authorize state agencies to provide severance benefits to regular unclassified employees with one year or more continuous state service who are separated for budgetary reasons. Section 19 requires the Director of the Office of State Finance to review and reject any severance benefits plan that does not meet certain requirements. *[See summary note below.]*

*Effective July 1, 2003.*

**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.

**State Employee Personal Information**

**Senate Bill 703**  
**Leftwich/Braddock**

Section 10 of Enrolled SB 703 amends 74:840-2.11 to extend the confidentiality afforded to the home addresses, home telephone numbers, and social security numbers of current and former state employees to information related to personal electronic communication devices, e.g., cell phone numbers, pager numbers, etc., of current and former state employees.

*Effective July 1, 2003.*

**Unclassified Service**

**House Bill 1101**  
**Easley/Corn**

Section 3 of Enrolled HB 1101 amends 74:840-5.5 to:

- Increase unclassified authorizations for the Department of Central Services and the Department of Agriculture, Food, and Forestry. *[Note: SB 196 also includes these unclassified authorizations.]*
- Extend the authorization for unclassified appointments related to the CORE/PeopleSoft Project. *[Note: SB 196 also includes this provision.]*

*Effective June 3, 2003.*

**House Bill 1800**  
**Carey & Askins/  
Monson**

Enrolled HB 1800 creates the *State Classification Task Force* at 74:840-5.1B to review executive branch unclassified positions and make recommendations to the Legislature concerning the current unclassified service and the feasibility of proposals to add to or remove positions from the unclassified service.

*Effective October 1, 2003.*

**Senate Bill 703**  
**Leftwich/Braddock**

Section 20 of Enrolled SB 703 amends 74:840-5.5 to:

- Permit 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).

- Add nurses to the list of discretionary unclassified positions.

*Effective July 1, 2003.*

#### **Vendor Access**

**House Bill 1114**  
***Erwin/Gumm***

Enrolled HB 1114 amends 74:842 to require 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, and to clarify that such 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.

*Effective March 31, 2003.*

#### **Voluntary Payroll Deduction**

**Senate Bill 371**  
***Shurden/  
Wilson & Smith***

Enrolled SB 371 amends 62:7.10 to permit subscriptions to the *Oklahoma Today* magazine to be automatically deducted from state employee paychecks.

*Effective April 21, 2003.*

**Senate Bill 703**  
***Leftwich/Braddock***

Section 4 of Enrolled SB 703 amends 62:7.10 to clarify 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.

*Effective July 1, 2003.*

#### **Whistleblower**

**House Bill 1058**  
***Ellis/Corn***

Enrolled HB 1058 amends the *Whistleblower Act* [74:840-2.5] to permit state employees to discuss state agency operations and functions with members of the "print or electronic media".

*Effective July 1, 2003.*