

OPM 00-35

TO: ALL APPOINTING AUTHORITIES
FROM: Oscar B. Jackson, Jr., Administrator
and Cabinet Secretary of Human Resources
DATE: June 12, 2000
RE: 2000 Major HR-Related Legislation

During the 2000 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, Assistant Administrator for Special Projects, by phone at (405) 521-6293, or via e-mail at dpetete@mhs.oklaosf.state.ok.us.

Carl Albert Public Internship Program

House Bill 1334
Dunegan/Dickerson

Section 4 of House Bill 1334 amends 74:840-3.5 to strike the requirement that graduate student participants in the Carl Albert Public Internship Program (Executive Fellows) *pass an exam before conversion* to a permanent classified or regular unclassified position.

Effective July 1, 2000.

Compensation

House Bill 1334
Dunegan/Dickerson

Section 3 of House Bill 1334 amends 74:840-2.17 to authorize salary adjustments not to exceed five percent for permanent classified employees *following career progression to a different job family level*. Currently, the statute authorizes this adjustment for probationary classified employees achieving permanent status following the initial probationary period and permanent classified employees successfully completing trial periods after promotion to a different job family.

Effective July 1, 2000.

Senate Bill 959
**Haney & Hobson/
Settle & Begley**

Section 1 of Senate Bill 959:

- creates noncodified new law to provide an annualized salary increase of \$2,000 to all state employees, including temporary and other limited-term employees, who were employed by the state on the last working day of September 2000;
- requires that permanent classified employees retain a certain percentage of the \$2,000 increase, if they are promoted to a higher paying position during certain periods of time;
- prohibits certain officers and employees from receiving the increase;
- provides that the increase may not be given if it causes a salary to exceed the limitation established by statute or an agency's annual appropriations bill. *Note: Several FTE bills for appropriated/non-appropriated agencies raised the salary cap for certain agency directors effective October 1, 2000. Please refer to specific bills concerning these agencies;* and
- provides that eligible classified employees may receive the increase even though it causes their salary to exceed the maximum for their pay band.

Section 2 prohibits state agencies from using funds appropriated for the salary increase to increase the compensation of persons employed by a temporary employment agency.

Effective October 1, 2000.

Compensation Study

House Bill 1334
Dunegan/Dickerson

Section 1 of House Bill 1334 amends 74:840-1.6A (5) to change the date of the *OPM Annual Compensation Report* from November 1 to December 1.

Effective July 1, 2000.

Employee Actions

House Bill 1334
Dunegan/Dickerson

Section 5 of House Bill 1334 amends 74:840-4.11 to strike the reference to an *obsolete noncompetitive position (janitors)* and the *promotional testing requirement* for employees on *noncompetitive* appointments.

Effective July 1, 2000.

House Bill 1334
Dunegan/Dickerson

Section 6 of House Bill 1334 amends 74:840-4.3 to provide that a "demotion" is the involuntary removal of a permanent employee in permanent status in a job family level to another job family level assigned a lower pay band or to a *lower level in the same job family*.

Effective July 1, 2000.

House Bill 1334
Dunegan/Dickerson

Section 7 of House Bill 1334 amends 74:840-4.12 to strike the provision that *no entrance examination is required* when the job family descriptor requires a bachelor's degree or its equivalent, plus three years of qualifying work experience. Section 840-4.12 (A) requires promotional and entrance exams for classified jobs; the remaining provisions of 840-4.12 list the exceptions to this requirement.

Effective July 1, 2000.

House Bill 1334
Dunegan/Dickerson

Section 8 of House Bill 1334 amends 74:840-4.15 to clarify that *promotional posting* is required for *any* supervisory position *or level*.
Effective July 1, 2000.

OPM State Employee Assistance Program

House Bill 1334
Dunegan/Dickerson

Section 2 of House Bill 1334 amends 74:840-2.10 to authorize the OPM State Employee Assistance Program to provide *consultation* and *problem resolution* assistance to state employees and their family members.
Effective July 1, 2000.

Employee Recognition

House Bill 1334
Dunegan/Dickerson

Section 1 of House Bill 1334 amends 74:840-1.6A (10) to authorize the OPM Administrator to purchase awards for presentation to state employees as part of employee recognition activities sponsored by OPM.
Effective July 1, 2000.

Leave

House Bill 2274
Settle & Begley, et al./
Haney & Hobson

Section 1 of House Bill 2274 amends 74:840-2.23 to extend the use of the state leave sharing program by state employees affected by a presidentially-declared national disaster from six to 18 months after the date of the presidentially-declared national disaster. Section 2 of House Bill 2274 also amends 74:840-2.23A to extend the leave-with-pay provisions for state employees affected by a presidentially-declared national disaster from six to 18 months after the date of the presidentially-declared national disaster. During the 1999 session, the Legislature added these two provisions to the Oklahoma Personnel Act in response to the May 3 tornadoes.
Effective June 5, 2000.

Senate Bill 1246
Hobson & Helton/Wells

Section 1 of Senate Bill 1246 amends 44:208.1 to provide that certain federal laws related to military service apply to members of the Oklahoma National Guard when they are ordered to state active duty *or full-time National Guard duty*. Section 3 amends 44:209 to provide that state employees who are members of the National Guard are entitled to a leave of absence when ordered to active *or inactive* service.
Effective November 1, 2000.

State Agency Review Committee

House Bill 1851
Easley/Harrison

House Bill 1851 re-creates the State Agency Review Committee (SARC) until July 1, 2006. SARC is responsible for overseeing, at the state level, the Oklahoma State Employee Charitable Contribution Campaign. OPM provides staff and administrative support for this committee.
Effective April 6, 2000.

State Work Incentive Program

Senate Bill 825
Long/Bonny & Collins

Senate Bill 825 amends 74:840-5.16 to permit vocational rehabilitation clients of the Department of Rehabilitation Services to participate in the State Work Incentive Program.

Effective November 1, 2000.

Supplemental Payroll

House Bill 1334
Dunegan/Dickerson

Section 13 of House Bill 1334 creates new law at 62:275.11 to give the state 10 working days after a regular payday to comply with the requirements of 40:165.2. Currently, 40:165.2 provides that if an employee is not paid on the designated payday, i.e., he or she is on "supplemental payroll", the employer has three days to provide the employee with a pay check or face penalties. Though the state is not included in the definition of "employer" in 40:165.1, an Assistant Attorney General opinion letter applies 40:165.2 to the state.

Effective July 1, 2000.

Unclassified Service

House Bill 1334
Dunegan/Dickerson

Section 9 of House Bill 1334 amends 74:840-5.5 to strike the authorization for *unclassified millennium programmer appointments*, which expire June 30, 2000.

Effective July 1, 2000.

House Bill 2281
**Settle & Begley/
Haney & Hobson**

House Bill 2281 adds a variety of agency-specific amendments to 74:840-5.5 (the "unclassified catalog").

Effective July 1, 2000.

Veterans Preference

House Bill 1871
Covey, et al./Helton

Section 1 of House Bill 1871 amends 72:67.13a to expand the definition of "war veteran" to include anyone who served in the U.S. Armed Forces on or after August 1, 1990, during the period of time in which the United States participates in a war, military or naval campaign, or expedition.

Effective July 1, 2000.

Voluntary Payroll Deduction

Senate Bill 1211
Henry/Blackburn

Senate Bill 1211 amends 62:7.10 to make payments to a college savings account administered under the Oklahoma College Savings Plan Act (70:3970.1, et seq.) eligible for the voluntary payroll deduction program administered by OPM.

Effective April 14, 2000.