

1 ENGROSSED HOUSE
2 BILL NO. 1439

By: Caldwell and Denney of the
House

3 and

4 Barrington of the Senate
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6
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8 An Act relating to state government; amending 74 O.S.
9 2011, Section 840-5.5, as last amended by Section 6,
10 Chapter 117, O.S.L. 2014 (74 O.S. Supp. 2014, Section
11 840-5.5), which relates to unclassified service;
12 renaming certain unclassified service position; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-5.5, as
16 last amended by Section 6, Chapter 117, O.S.L. 2014 (74 O.S. Supp.
17 2014, Section 840-5.5), is amended to read as follows:

18 Section 840-5.5 A. The following offices, positions, and
19 personnel shall be in the unclassified service and shall not be
20 placed under the classified service:

21 1. Persons chosen by popular vote or appointment to fill an
22 elective office, and their employees, except the employees of the
23 Corporation Commission, the State Department of Education and the
24 Department of Labor;

1 2. Members of boards and commissions, and heads of agencies;
2 also one principal assistant or deputy and one executive secretary
3 for each state agency;

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

5 4. Persons employed with one-time, limited duration, federal or
6 other grant funding that is not continuing or indefinitely
7 renewable. The length of the unclassified employment shall not
8 exceed the period of time for which that specific federal funding is
9 provided;

10 5. All officers and employees of The Oklahoma State System of
11 Higher Education, State Board of Education and Oklahoma Department
12 of Career and Technology Education;

13 6. Persons employed in a professional or scientific capacity to
14 make or conduct a temporary and special inquiry, investigation, or
15 examination on behalf of the Legislature or a committee thereof or
16 by authority of the Governor. These appointments and authorizations
17 shall terminate on the first day of the regular legislative session
18 immediately following the appointment, if not terminated earlier.
19 However, nothing in this paragraph shall prevent the reauthorization
20 and reappointment of any such person. Any such appointment shall be
21 funded from the budget of the appointing authority;

22 7. Election officials and employees;

23 8. Temporary employees employed to work less than one thousand
24 (1,000) hours in any twelve-month period, and seasonal employees

1 employed by the Oklahoma Tourism and Recreation Department pursuant
2 to Section 2241 of this title who work less than one thousand six
3 hundred (1,600) hours in any twelve-month period;

4 9. Department of Public Safety employees occupying the
5 following offices or positions:

- 6 a. administrative aides to the Commissioner,
- 7 b. executive secretaries to the Commissioner,
- 8 c. the Governor's representative of the Oklahoma Highway
9 Safety Office who shall be appointed by the Governor,
- 10 d. Highway Patrol Colonel,
- 11 e. Highway Patrol Lieutenant Colonel,
- 12 f. Director of Finance,
- 13 g. noncommissioned pilots,
- 14 h. Information Systems Administrator,
- 15 i. Law Enforcement Telecommunications System Specialist,
- 16 j. Director of Driver Compliance,
- 17 k. Director of Transportation Division,
- 18 l. Director of the Oklahoma Highway Safety Office,
- 19 m. Civil Rights Administrator,
- 20 n. Budget Analyst,
- 21 o. Comptroller,
- 22 p. Chaplain,
- 23 q. Helicopter Mechanic,
- 24 r. Director of Safety Compliance,

1 s. Human Resources Director,
2 t. Administrator of Department Services, and
3 u. a maximum of seven (7) positions for the purpose of
4 administering programs in the Oklahoma Highway Safety
5 Office, within full-time employee limitations of the
6 Department, employed with federal funding that is
7 continuing or indefinitely renewable. The
8 authorization for such positions shall be terminated
9 if the federal funding for positions is discontinued;
10 provided, any person appointed to a position prescribed in
11 subparagraph d or e of this paragraph shall have a right of return
12 to the classified commissioned position without any loss of rights,
13 privileges or benefits immediately upon completion of the duties in
14 the unclassified commissioned position;

15 10. Professional trainees only during the prescribed length of
16 their course of training or extension study;

17 11. Students who are employed on a part-time basis, which shall
18 be seventy-five percent (75%) of a normal forty-hour work week or
19 thirty (30) hours per week, or less, or on a full-time basis if the
20 employment is pursuant to a cooperative education program such as
21 that provided for under Title I IV-D of the Higher Education Act of
22 1965 (20 U.S.C. 1087a-1087c), as amended, and who are regularly
23 enrolled in:

24

- 1 a. an institution of higher learning within The Oklahoma
2 State System of Higher Education,
- 3 b. an institution of higher learning qualified to become
4 coordinated with The Oklahoma State System of Higher
5 Education. For purposes of this section, a student
6 shall be considered a regularly enrolled student if
7 the student is enrolled in a minimum of five (5) hours
8 of accredited graduate courses or a minimum of ten
9 (10) hours of accredited undergraduate courses,
10 provided, however, the student shall only be required
11 to be enrolled in a minimum of six (6) hours of
12 accredited undergraduate courses during the summer, or
- 13 c. high school students regularly enrolled in a high
14 school in Oklahoma and regularly attending classes
15 during such time of enrollment;

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

19 13. Service substitute attendants who are needed to replace
20 museum and site attendants who are unavoidably absent. Service
21 substitutes may work as part-time or full-time relief for absentees
22 for a period of not more than four (4) weeks per year in the
23 Oklahoma Historical Society sites and museums; such substitutes will
24

1 not count towards the agency's full-time-equivalent (FTE) employee
2 limit;

3 14. Employees of the Oklahoma House of Representatives, the
4 State Senate, or the Legislative Service Bureau;

5 15. Corporation Commission personnel occupying the following
6 offices and positions:

- 7 a. Administrative aides, and executive secretaries to the
8 Commissioners,
- 9 b. Directors of all the divisions, personnel managers and
10 comptrollers,
- 11 c. General Counsel,
- 12 d. Public Utility Division Chief Engineer,
- 13 e. Public Utility Division Chief Accountant,
- 14 f. Public Utility Division Chief Economist,
- 15 g. Public Utility Division Deputy Director,
- 16 h. Secretary of the Commission,
- 17 i. Deputy Conservation Director,
- 18 j. Manager of Pollution Abatement,
- 19 k. Manager of Field Operations,
- 20 l. Manager of Technical Services,
- 21 m. Public Utility Division Chief of Telecommunications,
- 22 n. Director of Information Services,
- 23 o. All Data Processing employees hired on or after
24 September 1, 2005,

- 1 p. All Public Utilities employees hired on or after
2 September 1, 2007,
3 q. All Regulatory Program Managers hired on or after
4 September 1, 2007, and
5 r. All Pipeline Safety Department employees hired on or
6 after September 1, 2008;

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

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

- 14 a. Director of Facility,
15 b. Deputy Director for Administration,
16 c. Clinical Services Director,
17 d. Executive Secretary to Director, and
18 e. Directors or Heads of Departments or Services;

19 18. Office of Management and Enterprise Services personnel
20 occupying the following offices and positions:

- 21 a. State Comptroller,
22 b. Administrative Officers,
23 c. Alternator Claims Auditor,
24

- 1 d. Employees hired to fulfill state compliance agency
2 requirements under Model Tribal Gaming Compacts,
3 e. Employees of the Budget Division,
4 f. Employees of the Fiscal and Research Division,
5 g. Employees hired to work on the CORE Systems Project,
6 and
7 h. The following employees of the Information Services
8 Division:
9 (1) Information Services Division Manager,
10 (2) Network Manager,
11 (3) Network Technicians,
12 (4) Security Manager,
13 (5) Contracts/Purchasing Manager,
14 (6) Operating and Applications Manager,
15 (7) Project Manager,
16 (8) Help Desk Manager,
17 (9) Help Desk Technicians,
18 (10) Quality Assurance Manager,
19 (11) ISD Analysts,
20 (12) CORE Manager,
21 (13) Enterprise System/Database Software Manager,
22 (14) Data Center Operations and Production Manager,
23 (15) Voice Communications Manager,
24 (16) Applications Development Manager,

- 1 (17) Projects Manager,
- 2 (18) PC's Manager,
- 3 (19) Servers Manager,
- 4 (20) Portal Manager,
- 5 (21) Procurement Specialists,
- 6 (22) Security Technicians,
- 7 (23) Enterprise Communications and Network
8 Administrator,
- 9 (24) Server Support Specialists,
- 10 (25) Senior Server Support Specialists,
- 11 (26) Systems Support Specialists,
- 12 (27) Senior Systems Support Specialists,
- 13 (28) Chief Technology Officer,
- 14 (29) Facility Manager,
- 15 (30) Application Development Specialists,
- 16 (31) Senior Application Development Specialists,
- 17 (32) Workstation Specialists,
- 18 (33) Senior Workstation Specialists,
- 19 (34) Cabling Infrastructure Administration,
- 20 (35) Planning Specialists,
- 21 (36) Senior Planning Specialists,
- 22 (37) Network Specialists,
- 23 (38) Senior Network Specialists,
- 24 (39) Voice Communication Specialists, and

1 (40) Senior Voice Communication Specialists;

2 19. Employees of the Oklahoma Industrial Finance Authority;

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

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

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

- 9 a. positions for which the annual salary is Twenty-four
10 Thousand One Hundred Ninety-three Dollars (\$24,193.00)
11 or more, as determined by the Office of Management and
12 Enterprise Services, provided no position shall become
13 unclassified because of any change in salary or grade
14 while it is occupied by a classified employee,
- 15 b. positions requiring certification by the State
16 Department of Education, and
- 17 c. positions and employees authorized to be in the
18 unclassified service of the state elsewhere in this
19 section or in subsection B of this section;

20 23. Office of Management and Enterprise Services employees
21 occupying the following positions:

- 22 a. the Carl Albert Internship Program Coordinator,
23 b. one Administrative Assistant,
24 c. one Workforce Planning Manager,

- d. Assistant Administrators,
- e. one Associate Administrator, and
- f. Division Directors;

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

- a. two Deputy Commissioners,
- b. two Executive Secretaries to the Commissioner,
- c. Chief of Staff,
- d. two Administrative Assistants,
- e. Information Systems Administrator,
- f. three Safety and Health Directors,
- g. Research Director,
- h. Employment Standards Director,
- i. Asbestos Director,
- j. General Counsel,
- k. one Legal Secretary,
- l. one Docket Clerk, and
- m. two Information Systems Application Specialists;

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;

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

2 28. Officers and employees of the University Hospitals

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

9 29. Alcoholic Beverage Laws Enforcement Commission employees
10 occupying the following positions:

11 a. three Administrative Service Assistant positions,
12 however, employees in such positions who are in the
13 unclassified service on June 4, 2003, may make an
14 election to be in the classified service without a
15 loss in salary by September 1, 2003, and

16 b. the Deputy Director position in addition to the one
17 authorized by paragraph 2 of this subsection;

18 30. The Oklahoma State Bureau of Investigation employees
19 occupying the following positions:

20 a. five assistant directors,

21 b. six special investigators,

22 c. one information representative,

23 d. one federally funded physical evidence technician,

24 e. four federally funded laboratory analysts,

- f. a maximum of fourteen positions employed for the purpose of managing the automated information systems of the agency,
- g. one executive secretary in addition to the one executive secretary authorized pursuant to paragraph 2 of this subsection,
- h. Child Abuse Response Team (CART) investigator,
- i. Child Abuse Response Team (CART) forensic interviewer, and
- j. nine administration and research positions and five data processing and information technology positions transferred from the Criminal Justice Resource Center pursuant to Section 150.17a of this title;

31. The Department of Transportation, the following positions:

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

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

- a. Chief Financial Officer,

- 1 b. two Assistant Directors of Financial Services,
- 2 c. two Archivists,
- 3 d. one Audit Tech position,
- 4 e. two Auditor positions,
- 5 f. two Accounting Tech I positions,
- 6 g. two Administrative Assistant positions,
- 7 h. one Imaging Specialist position,
- 8 i. one Information Systems Specialist position,
- 9 j. Director of Communications,
- 10 k. Director of Royalty Compliance,
- 11 l. Director of Mineral Management,
- 12 m. Accountant or Certified Public Accountant,
- 13 n. Commercial Property Manager,
- 14 o. Assistant Secretary,
- 15 p. Director of Real Estate Management,
- 16 q. one executive assistant,
- 17 r. one legal secretary,
- 18 s. one secretary,
- 19 t. one Assistant Commercial Property Manager,
- 20 u. one Oil and Gas Production Advisor or Geologist,
- 21 v. one Soil Conservationist,
- 22 w. one Administrative Programs Officer, and
- 23 x. one Geographic Information Systems Specialist;
- 24

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

3 a. six Narcotics Agent positions and three Typist
4 Clerk/Spanish transcriptionists, including a Typist
5 Clerk Supervisor/Spanish transcriptionist, provided,
6 authorization for such positions shall be terminated
7 if the federal funding for the positions is
8 discontinued,

9 b. one executive secretary in addition to the one
10 authorized pursuant to paragraph 2 of this subsection,

11 c. one fiscal officer,

12 d. one full-time Programmer, and

13 e. one full-time Network Engineer;

14 34. The Military Department of the State of Oklahoma is
15 authorized such unclassified employees within full-time employee
16 limitations to work in any of the Department of Defense directed
17 youth programs, the State of Oklahoma Juvenile Justice youth
18 programs, those persons reimbursed from Armory Board or Billeting
19 Fund accounts, and skilled trade positions;

20 35. Within the Oklahoma Commission on Children and Youth the
21 following unclassified positions:

22 a. one Oversight Specialist and one Community Development
23 Planner,
24

- b. one State Plan Grant Coordinator, provided authorization for the position shall be terminated when federal support for the position by the United States Department of Education Early Intervention Program is discontinued,
- c. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection, and
- d. one Programs Manager;

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

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection,
- b. the Director of Central Purchasing,
- c. one Alternate Fuels Administrator,
- d. one Director of Special Projects,
- e. three postauditors,
- f. four high-technology contracting officers,
- g. one Executive Assistant to the Purchasing Director,
- h. four Contracts Managers,
- i. one Associate Director,
- j. one specialized HiTech/Food Contracting Officer,
- k. one State Use Contracting Officer,

1. one Property Distribution Administrator,
- m. three licensed architects assigned to the Construction and Properties Division,
- n. three licensed engineers assigned to the Construction and Properties Division,
- o. eight construction consultants assigned to the Construction and Properties Division,
- p. one attorney assigned to the Construction and Properties Division,
- q. three positions assigned to the Information Services Division, which shall include one Information Technology Manager, one Applications Specialist and one Data Planning Specialist,
- r. four positions assigned to Fleet Management, which shall include one Deputy Fleet Manager and three Management Analysts,
- s. one Chief Auditor,
- t. one Assistant Director of Central Purchasing Division,
- u. one Professional Errors and Omissions Liability Adjuster,
- v. three Strategic Sourcing Managers,
- w. three Strategic Sourcing Assistant Managers, and
- x. two Printing Services Brokers;

1 37. Oklahoma Water Resources Board personnel occupying the
2 following offices and positions:

- 3 a. four Water Quality Assistant Division Chiefs,
- 4 b. four Water Resources Division Chiefs, and
- 5 c. Director of Water Planning;

6 38. J.D. McCarty Center for Children with Developmental
7 Disabilities personnel occupying the following offices and
8 positions:

- 9 a. Physical Therapists,
- 10 b. Physical Therapist Assistants,
- 11 c. Occupational Therapists,
- 12 d. Certified Occupational Therapist Aides, and
- 13 e. Speech Pathologists;

14 39. The Development Officer, the Director of the State Museum
15 of History and the Cherokee Strip Regional Heritage Center Director
16 within the Oklahoma Historical Society;

17 40. Oklahoma Department of Agriculture, Food, and Forestry
18 personnel occupying the following positions:

- 19 a. one Executive Secretary in addition to the Executive
20 Secretary authorized by paragraph 2 of this subsection
21 and one Executive Assistant,
- 22 b. nineteen Agricultural Marketing Coordinator III
23 positions,

1 c. temporary fire suppression personnel, regardless of
2 the number of hours worked, who are employed by the
3 Oklahoma Department of Agriculture, Food, and
4 Forestry; provided, however, notwithstanding the
5 provisions of any other section of law, the hours
6 worked by such employees shall not entitle such
7 employees to any benefits received by full-time
8 employees,

9 d. one Information Technology Specialist,

10 e. one Director of Administrative Services,

11 f. one Water Quality Consumer Complaint Coordinator,

12 g. one hydrologist position,

13 h. Public Information Office Director,

14 i. one Information Technology Technician,

15 j. Legal Services Director,

16 k. Animal Industry Services Director,

17 l. Agricultural Environmental Management Services
18 Director,

19 m. Forestry Services Director,

20 n. Plant Industry and Consumer Services Director,

21 o. one Grants Administrator position,

22 p. Director of Laboratory Services,

23 q. Chief of Communications,

24 r. Public Information Manager,

- s. Inventory/Supply Officer,
- t. five Agriculture Field Inspector positions assigned the responsibility for conducting inspections and audits of agricultural grain storage warehouses. All other Agriculture Field Inspector positions and employees of the Oklahoma Department of Agriculture, Food, and Forestry shall be classified and subject to the provisions of the Merit System of Personnel Administration. On November 1, 2002, all other unclassified Agriculture Field Inspectors shall be given status in the classified service as provided in Section 840-4.2 of this title,
- u. Rural Fire Coordinator,
- v. one Agricultural Marketing Coordinator I,
- w. Food Safety Division Director,
- x. two Environmental Program Specialists,
- y. two Scale Technicians,
- z. two Plant Protection Specialists, and
- aa. Chief Agent;

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

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

1 43. Oklahoma Real Estate Commission personnel occupying the
2 following offices and positions:

3 a. Educational Program Director, and

4 b. Data Processing Manager;

5 44. A Chief Consumer Credit Examiner for the Department of
6 Consumer Credit;

7 45. All officers and employees of the Oklahoma Capitol Complex
8 and Centennial Commemoration Commission;

9 46. All officers and employees of the Oklahoma Motor Vehicle
10 Commission;

11 47. One Museum Archivist of The Will Rogers Memorial
12 Commission;

13 48. One Fire Protection ~~Engineer~~ Consultant of the Office of
14 the State Fire Marshal;

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

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

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

18 51. The following eighteen (18) positions in the State
19 Department of Health:

- 20 a. one surveillance supervisor,
- 21 b. one surveillance project monitor,
- 22 c. two bilingual interviewers,
- 23 d. eight senior interviewers, and
- 24 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. Two Management Information Systems positions of the Office
9 of Juvenile Affairs; and

10 55. Heads of agencies, principal assistants or deputies and
11 executive secretaries of an agency that is consolidated into another
12 agency.

13 B. If an agency has the authority to employ personnel in the
14 following offices and positions, the appointing authority shall have
15 the discretion to appoint personnel to the unclassified service:

- 16 1. Licensed medical doctors, osteopathic physicians, dentists,
17 psychologists, and nurses;
- 18 2. Certified public accountants;
- 19 3. Licensed attorneys;
- 20 4. Licensed veterinarians; and
- 21 5. Licensed pharmacists.

22 C. Effective July 1, 1996, authorization for unclassified
23 offices, positions, or personnel contained in a bill or joint
24 resolution shall terminate June 30 of the ensuing fiscal year after

1 the authorization unless the authorization is codified in the
2 Oklahoma Statutes or the termination is otherwise provided in the
3 legislation.

4 D. The appointing authority of agencies participating in the
5 statewide information systems project may establish unclassified
6 positions and appoint unclassified employees to the project as
7 needed. Additional unclassified positions may be established, if
8 required, to appoint an unclassified employee to perform the duties
9 of a permanent classified employee who is temporarily absent from a
10 classified position as a result of assignment to this project. All
11 unclassified appointments under this authority shall expire no later
12 than December 31, 2007, and all unclassified positions established
13 to support the project shall be abolished. Both the positions and
14 appointments resulting from this authority shall be exempt from any
15 agency FTE limitations and any limits imposed on the number of
16 unclassified positions authorized. Permanent classified employees
17 may request a leave of absence from classified status and accept an
18 unclassified appointment and compensation with the same agency under
19 the provisions of this subsection; provided, the leave shall expire
20 no later than December 31, 2007. Employees accepting the
21 appointment and compensation shall be entitled to participate
22 without interruption in any benefit programs available to classified
23 employees, including retirement and insurance programs. Immediately
24 upon termination of an unclassified appointment pursuant to this

