



March 24, 2015

The Honorable Mary Fallin
Governor
State of Oklahoma
State Capitol Building, Room 212
Oklahoma City, OK 73105

The Honorable Jeffrey W. Hickman
Speaker of the House
Oklahoma House of Representatives
State Capitol Building, Room 401
Oklahoma City, OK 73105

The Honorable Brian Bingman
President Pro Tempore
Oklahoma Senate
State Capitol Building, Room 422
Oklahoma City, OK 73105

Dear Governor Fallin, Speaker Hickman, and Senator Bingman:

Pursuant to Title 74, Section 841.30 of the Oklahoma Statutes, the Oklahoma Compensation and Unclassified Positions Review Board has convened to consider recommendations regarding State agencies' requests for additional unclassified positions.

The Board's recommendations are contained in the attached report.

If there are questions or if additional information is needed, please feel free to contact Ron Wilson at 405-522-0422 (Ron.Wilson@omes.ok.gov) or Jake Smith at 405-521-6327 (jacob.smith@omes.ok.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucinda Meltabarger".

Lucinda Meltabarger, Administrator
Human Capital Management
Division of the Office of Management & Enterprise Services

Attachment



2015

Report of the Oklahoma Compensation
and Unclassified Positions Review Board

March 12, 2015

Members:

Senator Gary Stanislawski, Chair

Senator David Holt

Representative David Derby

Representative Mike Christian

Ellen Buettner, Director of Human Resources Management and Development, Oklahoma Department of Mental Health and Substance Abuse

Deby Snodgrass, Executive Director, Oklahoma Tourism and Recreation Department

Sterling Zearley, Executive Director, Oklahoma Public Employees Association

Administrative Support to the Board:

Lucinda Meltabarger, Administrator, Human Capital Management Division, Oklahoma Office of Management and Enterprise Services

Recommendations:

The following recommendations were voted on and approved by the Oklahoma Compensation and Unclassified Positions Review Board meetings held on March 2, 2015 and March 9, 2015 for submission to the Governor, the Speaker of the Oklahoma House of Representative, and the President Pro Tempore of the Oklahoma Senate.

Unclassified Positions:

The board voted to recommend all requests as presented. The requests can be found in the following pages.

Unclassified Positions and Compensation Review Board

2015 Requests

This is a brief summary of each request. Please see full request for details.

Ethics Commission

The Ethics Commission has requested SB 348, which would remove the Ethics Commission employees from the Merit System. The Ethics Commission currently has five full time employees. All of the current employees are unclassified.

6 Yes, 1 No (Zearley)

Board of Dentistry

They are requesting all future Investigator positions be unclassified.

4 Yes, 3 No (Zearley, Holt, & Christian)

Department of Transportation

They are requesting:

- Five assistant director positions
- Five executive assistant positions for their Assistant Directors
- Ten project manager positions
- Ten transportation coordinator positions
- Five administration coordinators

6 Yes, 1 No (Zearley)

Department of Human Services

DHS is currently authorized to have five percent of their workforce unclassified. They are requesting this number be increase to ten percent. This is a direct result of the Pinnacle Plan and the reorganization it has required.

6 Yes, 1 No (Zearley)

State Election Board

The Secretary of the State Election Board requests that 74 O.S. 2011, Section 840-5.24 be repealed and for the State Election Board to be affirmatively removed from the Merit System of Personnel Administration.

The State Election Board has budgeted for 24 FTEs, but three of these positions are currently vacant. Of the 21 current employees of the State Election Board, seven are unclassified. Under this proposal, current State Election Board employees who were hired in the classified service could retain their classified status, pursuant to law; however, new hires and employees promoted to other positions would be unclassified pursuant to 74 O.S. 2011, Section 840-5.5.

6 Yes, 1 No (Zearley)

Health Department

They are requesting the following to reduce a conflict between two Executive Orders that have been on the books since 1959.

- Change five existing titles for modernization purposes.
- Add 13 additional unclassified titles in which they can use for multiple hires.
- They are requesting all positions or employees assigned to the Behavioral Risk Surveillance System for Health Care Information be unclassified.

4 Yes, 3 No (Zearley, Christian, & Derby)

Department of Rehabilitation Services

Their request is to add 7 unclassified positions to Disability Determination Division. This takes them from 14 to 21.

6 Yes, 1 No (Zearley)

Office of Juvenile Affairs

- They are requesting to remove old language and replace it with additional unclassified job titles

5 Yes, No (Zearley & Derby)

Ethics Commission

Request for Authorization Oklahoma Compensation and Unclassified Positions Review Board

Jake,

Please add the Ethics Commission to the March 2, 2015 Oklahoma Compensation and Unclassified Position Review Board meeting. **The Ethics Commission has requested SB 348, which would remove the Ethics Commission employees from the Merit System. The Ethics Commission currently has five full time employees. All of the current employees are unclassified.**

Cordially,

Ashley Kemp
DEPUTY DIRECTOR
OKLAHOMA ETHICS COMMISSION
2300 N. Lincoln Blvd., B-5
Oklahoma City, OK 73105
Direct Line: (405) 522-2514
Main Line: (405) 521-3451
Ashley.Kemp@ethics.ok.gov

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Board of Dentistry

Below is the request email we received from the Board of Dentistry. At the meeting, they formally requested that all future Investigator positions be hired into the unclassified service.

The Board of Dentistry requests to be on the agenda. Thank you!

Susan Rogers, Esq.
Executive Director and General Counsel
Oklahoma Board of Dentistry
Susan.rogers@dentistry.ok.gov
Cell (405) 613-8747
Office: (405) 522-4844

Department of Transportation



February 25, 2015

Lucinda Meltabarger, Administrator
Human Capital Management Division
Office of Management and Enterprise Services
2101 N. Lincoln Blvd.
Oklahoma City, OK

Re: Unclassified positions request

Dear Ms. Meltabarger:

The Oklahoma Department of Transportation requests changes to 74 O.S. §840.5.5
Unclassified service – Offices, positions, and personnel.

Specifically, the Department requests the following changes:

31. The Department of Transportation, the following positions:
 - a. ~~Director of the Oklahoma Aeronautics Commission,~~
 - b. five Five Department of Transportation Assistant Director positions and their executive assistants.
 - e. five ten Project Manager Positions, and
 - f. five ten Transportation Coordinators, and
 - g. five Administration Coordinators.

Please let me know if additional information is needed.

Sincerely,


Brian Kirtley
HR Director

Department of Human Services



OKLAHOMA DEPARTMENT OF HUMAN SERVICES
Sequoyah Memorial Office Building
P.O. BOX 25352
Oklahoma City, OK 73125-0352
(405) 521-3646 · www.okdhs.org
Ed Lake, Director



February 17, 2015

Preston L. Doerflinger, Director
Office of Management and Enterprise Services and
Secretary of Finance, Administration
and Information Technology
State Capitol Building, Room 122
2300 North Lincoln Boulevard
Oklahoma City, OK 73105

Dear Director Doerflinger:

Pursuant to 74 O.S. § 841.30 (OSCN 2015) the Oklahoma Department of Human Services (DHS) is requesting your recommendation to increase the agency's unclassified positions from 5% to 10% based on the agency's authorized full-time-equivalent (FTE) positions as prescribed in 56 O.S. § 26.17 C.4. This request may cause the creation of additional unclassified positions and/or will allow for the conversion of current classified positions to the unclassified service.

Approval of this request allows the Agency to establish unclassified positions at the managerial and administrative levels or as dictated by business needs. DHS used this approach during the vertical reorganization of the Agency in 2012. This provides the platform on which both managerial and administrative field and program staff have the same degree of accountability within their assigned program. Lastly, the increase in unclassified positions allows the agency to build in a buffer in order to remain in compliance with statute should the agency's authorized FTE fluctuate downward.

I appreciate your attention in this matter. Should you have any questions concerning the request, please contact me or Diane Haser-Bennett, Director, Human Resource Management, at 405-521-3520.

Sincerely,

A handwritten signature in black ink, appearing to read "Ed Lake".

Ed Lake, Director
Department of Human Services

c: Jake Smith, Compensation/Classification Manager, Human Capital Management
Samantha Galloway, Administrator Office of Intergovernmental Relations and Policy
DHS HRM, Class/Comp File

State Election Board



Oklahoma State Election Board

ROOM B-6 • BOX 53156 • STATE CAPITOL • OKLAHOMA CITY, OKLAHOMA 73152 • (405) 521-2391

February 25, 2015

The Honorable Gary Stanislawski, Chairman
Oklahoma Compensation and Unclassified
Positions Review Board
2300 N. Lincoln Blvd., Rm. 427A
Oklahoma City, OK 73105

Re: State Election Board

Dear Senator Stanislawski,

Please include this request on the agenda for the next meeting of the Oklahoma Compensation and Unclassified Positions Review Board scheduled on Monday, March 2, 2015.

The Secretary of the State Election Board requests that 74 O.S. 2011, Section 840-5.24 be repealed and for the State Election Board to be affirmatively removed from the Merit System of Personnel Administration.

This statute was enacted in 2001. Prior to the enactment of this statute, all election officials and employees were in the unclassified service pursuant to **74 O.S. 2011, Section 840-5.5.**

The State Election Board has budgeted for 24 FTEs, but three of these positions are currently vacant. Of the 21 current employees of the State Election Board, 7 are unclassified. Under this proposal, current State Election Board employees who were hired in the classified service could retain their classified status, pursuant to law; however, new hires and employees promoted to other positions would be unclassified pursuant to 74 O.S. 2011, Section 840-5.5.

This request is necessary because:

- Election Administration is a specialized field of expertise. Despite this, experience in election administration is generally not considered by Human Capital Management Division when providing the agency with lists of job applicants.
- If the State Election Board reverts to the unclassified service, as it was prior to July 1, 2001, it will be more efficient for the agency to fill vacancies through promotion and/or hiring of individuals with election administration experience. (This is particularly important given that six employees are currently eligible to retire.)
- It will allow the State Election Board to more efficiently reorganize staff duties and responsibilities to accommodate the modernization of the statewide voting system and changes to state and federal election law.

Senator Stanislawski
February 25, 2015
Page Two

Thank you for your consideration. Please contact me or Assistant State Election Board Secretary, Pam Slater, at (405) 521-2391 if you have any questions or need additional information.

Sincerely,



Paul Ziriak
Secretary of the State Election Board
Secretary of the Senate

cc: Elizabeth Blais, HCM
Jacob Smith, HCM

Enclosure

Department of Health



Oklahoma State Department of Health
Creating a State of Health

February 14, 2015

Lucinda Meltabarger, Administrator
Human Capital Management Division
Oklahoma Office of Management and Enterprise Services
Jim Thorpe Building, Suite G-80
2101 North Lincoln Boulevard
Oklahoma City, OK 73105

SUBJ: PROPOSED REVISION TO TITLE 74, O.S. SECTION 5.5

Dear Ms. Meltabarger:

Enclosed is the Oklahoma State Department of Health's proposed revision to Title 74, Oklahoma Statutes, Section 5.5.

The proposed revision expands the existing unclassified authority to: (1) Incorporate the authority found in the Executive Order dated November 5, 1959; (2) reconcile Executive Order 85-8 with the November 5, 1959, Executive Order; and (3) provide the agency the flexibility necessary to effectively hire, compensate, and take appropriate and swift disciplinary action for employees in middle and upper management positions.

Sincerely,

Terry Cline, Ph.D.
Commissioner
Secretary of Health and Human Services

ENC

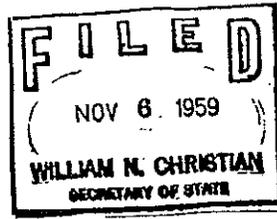
CC Debbie Boyer

Proposed revisions to Title 74, Section 840-5.5, A. 52.

52. ~~The following eighteen (18) positions in~~ For the Oklahoma State Department of Health:
- a. ~~one surveillance supervisor~~ State Commissioner of Health,
 - b. ~~one surveillance project monitor~~ Assistant State Commissioner of Health,
 - c. ~~two bilingual interviewers~~ Deputy Commissioner of Health,
 - d. ~~eight senior interviewers, and~~ Assistant Deputy Commissioner of Health,
 - e. ~~six interviewers;~~ Chief Operating Officer,
 - f. Service Director,
 - g. County Health Department Regional Director,
 - h. Assistant Service Director,
 - i. Administrative Program Manager,
 - j. Executive Assistant,
 - k. Executive Secretary,
 - l. Paralegal,
 - m. Legal Assistant,
 - n. Legal Secretary,
 - o. Commissioned Peace Officer,
 - p. Internal Auditor,
 - q. Business Officer,
 - r. Operations Manager, and
 - s. All positions or employees assigned to the Behavioral Risk Factor Surveillance System for Health Care Information;

November 6, 1959

EXECUTIVE ORDER



Honorable William N. Christian
Secretary of State
BUILDING

Dear Sir:

Please file for record the following Executive Order:

By virtue of the authority vested in me by law, it is hereby ordered that the Oklahoma State Department of Health be placed under the merit system of personnel administration prescribed by the Merit System of Personnel Administration Act, (74 O.S. Supp. 1959 Sections 801-819 inclusive), and the rules and regulations promulgated thereunder by the State Personnel Board.

It is further ordered that the following personnel shall be exempt from this order: members of the State Board of Health; members of the Advisory Councils; the Commissioner of Health; part-time physicians and other professional personnel engaged in clinical and consultant services; post graduate lecturers; part-time clerks, janitors and manual helpers in local health departments at not to exceed one-half time of full pay rate; employees paid by the State Health Department but working under the supervision of another State agency; and personnel employed to assist in the control of water pollution and paid by Federal grant-in-aid funds for water pollution control.

IN WITNESS WHEREOF I have hereunto affixed my official name and signature on this 6th day of November, 1959.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA


J. Howard Edmondson

ATTEST:


Secretary of State

FILED

JUL 1 1985

STATE OF OKLAHOMA OKLAHOMA SECRETARY
EXECUTIVE DEPARTMENT OF STATE

EXECUTIVE ORDER 85-8

WHEREAS, the provisions of the Executive Order dated November 9, 1959, executed by then-Governor J. Howard Edmondson, ordered that the State Department of Health be placed under the merit system of personnel administration, and;

WHEREAS, Governor Edmondson further ordered that certain designated classes of personnel be exempt from this Order; and

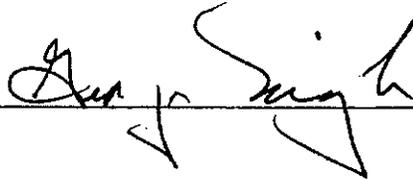
WHEREAS, some of these previously exempted positions would now be more appropriately included within the classified service

NOW THEREFORE, I, GEORGE NIGH, Governor of the State of Oklahoma, by the authority vested in me by the provisions of 74 O.S. Supp. 1983, § 840.3, order that all full-time professional personnel currently employed as Administrative Consultants by the Department of Health be placed under the merit system of personnel administration in accordance with the provisions of 74 O.S. Supp. 1983, § 840.13(1).

I HEREBY FURTHER ORDER that all positions upon becoming vacant shall be filled in accordance with 74 O.S. Supp. 1983, § 840.13(2).

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at the State Capitol Building, in the City of Oklahoma City, State of Oklahoma, this 28th day of June, 1985.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA



ATTEST:


ASSISTANT Secretary of State

Department of Rehabilitation Services

February 18, 2015

Lucinda Meltabarger, Administrator
Human Capital Management Division
Oklahoma Office of Management and Enterprise Services
2101 North Lincoln Boulevard, Suite G-80
Oklahoma City, OK 73105

Dear Ms. Meltabarger:

The Oklahoma Department of Rehabilitation Services requests that the Compensation and Unclassified Positions Review Board review and approve its request for authorization for additional unclassified positions in the Disability Determination Division (DDD). Currently, pursuant to 74 O.S. 2011, Section 840-5.12, DDD is authorized fourteen (14) unclassified positions. The authorization for that level was granted in 2008, when DDD staffing stood at 211 employees. The current staffing level is at 327. To provide a proportional number of unclassified positions in relation to the expanded classified staff, we are asking for authority to add seven (7) additional unclassified positions, for a total of twenty one (21).

A provision to make this adjustment was included last year in HB 2158, a carry-over from the prior year, but failed to pass. We propose to introduce legislation again this year to accomplish this adjustment in SB 153.

We would appreciate your bringing this request before the Board with a recommendation for approval. If you have any questions or concerns, please do not hesitate to contact me at 951-3457, or by email at tpatt@okdrs.gov.

Sincerely,



Thomas W. Patt
Human Resources Programs Director
Oklahoma Department of Rehabilitation Services

Office of Juvenile Affairs

Oklahoma Statutes Citationized

Title 74. State Government

Chapter 27A - Oklahoma Personnel Act

Section 840-5.5 - Unclassified Service - Offices, Positions, and Personnel

Cite as: 74 O.S. § 840-5.5 (OSCN 2013)

A. The following offices, positions, and personnel shall be in the unclassified service and shall not be placed under the classified service:

1. Persons chosen by popular vote or appointment to fill an elective office, and their employees, except the employees of the Corporation Commission, the State Department of Education and the Department of Labor;
2. Members of boards and commissions, and heads of agencies; also one principal assistant or deputy and one executive secretary for each state agency;
3. All judges, elected or appointed, and their employees;
4. Persons employed with one-time, limited duration, federal or other grant funding that is not continuing or indefinitely renewable. The length of the unclassified employment shall not exceed the period of time for which that specific federal funding is provided;
5. All officers and employees of The Oklahoma State System of Higher Education, State Board of Education and Oklahoma Department of Career and Technology Education;
6. Persons employed in a professional or scientific capacity to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the Legislature or a committee thereof or by authority of the Governor. These appointments and authorizations shall terminate on the first day of the regular legislative session immediately following the appointment, if not terminated earlier. However, nothing in this paragraph shall prevent the reauthorization and reappointment of any such person. Any such appointment shall be funded from the budget of the appointing authority;
7. Election officials and employees;
8. Temporary employees employed to work less than one thousand (1,000) hours in any twelve-month period, and seasonal employees employed by the Oklahoma Tourism and Recreation Department pursuant to Section 2241 of this title who work less than one thousand six hundred (1,600) hours in any twelve-month period;

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

- a. administrative aides to the Commissioner,
- b. executive secretaries to the Commissioner,
- c. the Governor's representative of the Oklahoma Highway Safety Office who shall be appointed by the Governor,
- d. Highway Patrol Colonel,
- e. Highway Patrol Lieutenant Colonel,
- f. Director of Finance,
- g. noncommissioned pilots,
- h. Information Systems Administrator,
- i. Law Enforcement Telecommunications System Specialist,
- j. Director of Driver Compliance,
- k. Director of Transportation Division,
- l. Director of the Oklahoma Highway Safety Office,
- m. Civil Rights Administrator,
- n. Budget Analyst,
- o. Comptroller,
- p. Chaplain,
- q. Helicopter Mechanic,
- r. Director of Safety Compliance,
- s. Human Resources Director,
- t. Administrator of Department Services, and
- u. a maximum of seven (7) positions for the purpose of administering programs in the Oklahoma Highway Safety Office, within full-time employee limitations of the Department, employed with federal funding that is continuing or indefinitely renewable. The authorization for such positions shall be terminated if the federal funding for positions is discontinued; provided, any person appointed to a position prescribed in subparagraph d or e of this paragraph shall have a right of return to the classified commissioned position without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

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

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

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

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

13. Service substitute attendants who are needed to replace museum and site attendants who are unavoidably absent. Service substitutes may work as part-time or full-time relief for absentees for a period of not more than four (4) weeks per year in the Oklahoma Historical Society sites and museums; such substitutes will not count towards the agency's full-time-equivalent (FTE) employee limit;
14. Employees of the Oklahoma House of Representatives, the State Senate, or the Legislative Service Bureau;
15. Corporation Commission personnel occupying the following offices and positions:
 - a. Administrative aides, and executive secretaries to the Commissioners,
 - b. Directors of all the divisions, personnel managers and comptrollers,
 - c. General Counsel,
 - d. Public Utility Division Chief Engineer,
 - e. Public Utility Division Chief Accountant,
 - f. Public Utility Division Chief Economist,
 - g. Public Utility Division Deputy Director,
 - h. Secretary of the Commission,
 - i. Deputy Conservation Director,
 - j. Manager of Pollution Abatement,
 - k. Manager of Field Operations,
 - l. Manager of Technical Services,
 - m. Public Utility Division Chief of Telecommunications,
 - n. Director of Information Services,
 - o. All Data Processing employees hired on or after September 1, 2005,
 - p. All Public Utilities employees hired on or after September 1, 2007,
 - q. All Regulatory Program Managers hired on or after September 1, 2007, and
 - r. All Pipeline Safety Department employees hired on or after September 1, 2008;
16. At the option of the employing agency, the Supervisor, Director, or Educational Coordinator in any other state agency having a primary responsibility to coordinate educational programs operated for children in state institutions;
17. Department of Mental Health and Substance Abuse Services personnel occupying the following offices and positions at each facility:
 - a. Director of Facility,
 - b. Deputy Director for Administration,
 - c. Clinical Services Director,
 - d. Executive Secretary to Director, and
 - e. Directors or Heads of Departments or Services;
18. Office of Management and Enterprise Services personnel occupying the following offices and positions:
 - a. State Comptroller,
 - b. Administrative Officers,
 - c. Alternator Claims Auditor,
 - d. Employees hired to fulfill state compliance agency requirements under Model Tribal Gaming Compacts,
 - e. Employees of the Budget Division,

- f. Employees of the Fiscal and Research Division,
- g. Employees hired to work on the CORE Systems Project; and
- h. The following employees of the Information Services Division:

- (1) Information Services Division Manager,
- (2) Network Manager,
- (3) Network Technicians,
- (4) Security Manager,
- (5) Contracts/Purchasing Manager,
- (6) Operating and Applications Manager,
- (7) Project Manager,
- (8) Help Desk Manager,
- (9) Help Desk Technicians,
- (10) Quality Assurance Manager,
- (11) ISD Analysts,
- (12) CORE Manager,
- (13) Enterprise System/Database Software Manager,
- (14) Data Center Operations and Production Manager,
- (15) Voice Communications Manager,
- (16) Applications Development Manager,
- (17) Projects Manager,
- (18) PC's Manager,
- (19) Servers Manager,
- (20) Portal Manager,
- (21) Procurement Specialists,
- (22) Security Technicians,
- (23) Enterprise Communications and Network Administrator,
- (24) Server Support Specialists,
- (25) Senior Server Support Specialists,
- (26) Systems Support Specialists,
- (27) Senior Systems Support Specialists,
- (28) Chief Technology Officer,
- (29) Facility Manager,
- (30) Application Development Specialists,
- (31) Senior Application Development Specialists,
- (32) Workstation Specialists,
- (33) Senior Workstation Specialists,
- (34) Cabling Infrastructure Administration,
- (35) Planning Specialists,
- (36) Senior Planning Specialists,
- (37) Network Specialists,
- (38) Senior Network Specialists,
- (39) Voice Communication Specialists, and
- (40) Senior Voice Communication Specialists;

19. Employees of the Oklahoma Industrial Finance Authority;

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

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

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

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

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

- a. the Carl Albert Internship Program Coordinator,
- b. one Administrative Assistant,
- 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;

27. Oklahoma Human Rights Commission personnel occupying the position of Administrative Assistant;

28. Officers and employees of the State Banking Department;

29. Officers and employees of the University Hospitals Authority except personnel in the state classified service pursuant to Section 3211 of Title 63 of the Oklahoma Statutes and members of the University Hospitals Authority Model Personnel System created pursuant to subsection E of Section 3211 of Title 63 of the Oklahoma Statutes or as otherwise provided for in Section 3213.2 of Title 63 of the Oklahoma Statutes;
30. Alcoholic Beverage Laws Enforcement Commission employees occupying the following positions:
 - a. three Administrative Service Assistant positions, however, employees in such positions who are in the unclassified service on June 4, 2003, may make an election to be in the classified service without a loss in salary by September 1, 2003, and
 - b. the Deputy Director position in addition to the one authorized by paragraph 2 of this subsection;
31. The Oklahoma State Bureau of Investigation employees occupying the following positions:
 - a. five assistant directors,
 - b. six special investigators,
 - c. one information representative,
 - d. one federally funded physical evidence technician,
 - 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;
32. 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;
33. Commissioners of the Land Office employees occupying the following positions:
 - a. Director of the Investments Division,
 - b. Assistant Director of the Investments Division,
 - c. one Administrative Assistant,
 - d. one Audit Tech position,
 - e. one Auditor I position,
 - f. two Accounting Tech I positions,
 - g. two Administrative Assistant I positions,
 - h. two Imaging Specialist positions,

- i. one Information Systems Specialist position,
- j. Director of Communications,
- k. Director of Royalty Compliance,
- l. Director of Mineral Management,
- m. Director of Accounting,
- n. Chief of Staff,
- o. First Assistant Secretary,
- p. Director of Real Estate Management,
- q. one executive secretary,
- r. one legal secretary, and
- s. one legal assistant;

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

- a. six Narcotics Agent positions and three Typist Clerk/Spanish transcriptionists, including a Typist Clerk Supervisor/Spanish transcriptionist, provided, authorization for such positions shall be terminated if the federal funding for the positions is discontinued,
- b. one executive secretary in addition to the one authorized pursuant to paragraph 2 of this subsection,
- c. one fiscal officer,
- d. one full-time Programmer, and
- e. one full-time Network Engineer;

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

36. Within the Oklahoma Commission on Children and Youth the following unclassified positions:

- a. one Oversight Specialist and one Community Development Planner,
- 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;

37. 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,
- l. 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;

38. Oklahoma Water Resources Board personnel occupying the following offices and positions:

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

39. J.D. McCarty Center for Children with Developmental Disabilities personnel occupying the following offices and positions:

- a. Physical Therapists,
- b. Physical Therapist Assistants,
- c. Occupational Therapists,
- d. Certified Occupational Therapist Aides, and
- e. Speech Pathologists;

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

41. Oklahoma Department of Agriculture, Food, and Forestry personnel occupying the following positions:

- a. one Executive Secretary in addition to the Executive Secretary authorized by paragraph 2 of this subsection and one Executive Assistant,
- b. nineteen Agricultural Marketing Coordinator III positions,
- c. temporary fire suppression personnel, regardless of the number of hours worked, who are employed by the Oklahoma Department of Agriculture, Food, and Forestry; provided, however, notwithstanding the provisions of any other section of law, the hours worked by such employees shall not entitle such employees to any benefits received by full-time employees,
- d. one Information Technology Specialist,
- e. one Director of Administrative Services,
- f. one Water Quality Consumer Complaint Coordinator,

- g. one hydrologist position,
- h. Public Information Office Director,
- i. one Information Technology Technician,
- j. Legal Services Director,
- k. Animal Industry Services Director,
- l. Agricultural Environmental Management Services Director,
- m. Forestry Services Director,
- n. Plant Industry and Consumer Services Director,
- o. one Grants Administrator position,
- p. Director of Laboratory Services,
- q. Chief of Communications,
- 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;

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

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

44. Oklahoma Real Estate Commission personnel occupying the following offices and positions:

- a. Educational Program Director, and
- b. Data Processing Manager;

45. A Chief Consumer Credit Examiner for the Department of Consumer Credit;

46. All officers and employees of the Oklahoma Capitol Complex and Centennial Commemoration Commission;

47. All officers and employees of the Oklahoma Motor Vehicle Commission;

48. One Museum Archivist of the Will Rogers Memorial Commission;

49. One Fire Protection Engineer of the Office of the State Fire Marshal;

50. Acting incumbents employed pursuant to Section 209 of Title 44 or Section 48 of Title 72 of the Oklahoma Statutes who shall not be included in any limitation on full-time equivalency imposed by law on an agency. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation as an acting incumbent with the same agency; provided, the leave shall expire no later than two (2) years from the date of the acting incumbent appointment. An appointing authority may establish unclassified positions and appoint unclassified employees to perform the duties of a permanent classified employee who is on leave of absence from a classified position to serve as an acting incumbent. All unclassified appointments created pursuant to this paragraph shall expire no later than two (2) years from the date of appointment. Classified employees accepting unclassified appointments and compensation pursuant to this paragraph shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of an unclassified appointment pursuant to this paragraph, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job family level and compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence;
51. The Oklahoma Homeland Security Director and all other positions assigned the responsibilities of working in the Oklahoma Office of Homeland Security;
52. The following eighteen (18) positions in the State Department of Health:
- a. one surveillance supervisor,
 - b. one surveillance project monitor,
 - c. two bilingual interviewers,
 - d. eight senior interviewers, and
 - e. six interviewers;
53. State Board of Licensure for Professional Engineers and Land Surveyors personnel occupying the following offices and positions:
- a. one Director of Enforcement, and
 - b. two Board Investigators;
54. One Information Systems Data Management Analyst of the State and Education Employees Group Insurance Board;
55. Two Management Information Systems positions of the Office of Juvenile Affairs; and
56. Heads of agencies, principal assistants or deputies and executive secretaries of an agency that is consolidated into another agency.

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

1. Licensed medical doctors, osteopathic physicians, dentists, psychologists, and nurses;
2. Certified public accountants;
3. Licensed attorneys;
4. Licensed veterinarians; and
5. Licensed pharmacists.

C. Effective July 1, 1996, authorization for unclassified offices, positions, or personnel contained in a bill or joint resolution shall terminate June 30 of the ensuing fiscal year after the authorization unless the authorization is codified in the Oklahoma Statutes or the termination is otherwise provided in the legislation.

D. The appointing authority of agencies participating in the statewide information systems project may establish unclassified positions and appoint unclassified employees to the project as needed. Additional unclassified positions may be established, if required, to appoint an unclassified employee to perform the duties of a permanent classified employee who is temporarily absent from a classified position as a result of assignment to this project. All unclassified appointments under this authority shall expire no later than December 31, 2007, and all unclassified positions established to support the project shall be abolished. Both the positions and appointments resulting from this authority shall be exempt from any agency FTE limitations and any limits imposed on the number of unclassified positions authorized. Permanent classified employees may request a leave of absence from classified status and accept an unclassified appointment and compensation with the same agency under the provisions of this subsection; provided, the leave shall expire no later than December 31, 2007. Employees accepting the appointment and compensation shall be entitled to participate without interruption in any benefit programs available to classified employees, including retirement and insurance programs. Immediately upon termination of an unclassified appointment pursuant to this subsection, an employee on assignment from the classified service shall have a right to be restored to the classified service and reinstated to the former job family level and

compensation plus any adjustments and increases in salary or benefits which the employee would have received but for the leave of absence.

Historical Data

Laws 1982, SB 339, c. 338, § 8, emerg. eff. July 1, 1982; Amended by Laws 1982, SB 468, c. 358, § 21, emerg. eff. June 2, 1982; Amended by Laws 1983, HB 1066, c. 263, § 15, emerg. eff. July 1, 1983; Amended by Laws 1984, SB 383, c. 284, § 19, emerg. eff. July 1, 1984; Amended by Laws 1985, SB 128, c. 46, § 2, emerg. eff. April 23, 1985; Amended by Laws 1985, HB 1048, c. 325, § 15, emerg. eff. July 29, 1985; Amended by Laws 1986, HB 2028, c. 19, § 6, emerg. eff. March 17, 1986; Amended by Laws 1986, SB 486, c. 244, § 3, emerg. eff. June 12, 1986; Amended by Laws 1986, HB 1626, c. 277, § 13, emerg. eff. June 24, 1986; Amended by Laws 1987, HB 1444, c. 222, § 120, emerg. eff. July 1, 1987; Amended by Laws 1989, HB 1505, c. 291, § 5, emerg. eff. July 1, 1989; Amended by Laws 1989, SB 58, c. 370, § 15, emerg. eff. July 1, 1989; Amended by Laws 1990, SB 800, c. 23, § 9, emerg. eff. July 1, 1990; Amended by Laws 1990, SB 781, c. 264, § 87, emerg. eff. July 1, 1990; Amended by Laws 1990, HB 2321, c. 260, § 50, emerg. eff. July 1, 1990; Amended by Laws 1991, HB 1430, c. 308, § 3, emerg. eff. July 1, 1991; Amended by Laws 1992, HB 2500, c. 373, § 21, emerg. eff. July 1, 1992; Amended by Laws 1993, SB 1, c. 10, § 14, emerg. eff. March 21, 1993; Amended by Laws 1993, SB 31, c. 183, § 72, emerg. eff. July 1, 1993; Amended by Laws 1993, HB 1720, c. 333, § 2, emerg. eff. July 1, 1993; Amended by Laws 1994, HB 2299, c. 2, § 30, emerg. eff. March 2, 1994; Renumbered from [74 O.S. § 840.8](#) by Laws 1994, HB 2331, c. 242, § 54; Amended by Laws 1994, SB 1160, c. 315, § 5, emerg. eff. July 1, 1994; Amended by Laws 1995, SB 454, c. 64, § 1, emerg. eff. April 11, 1995; Amended by Laws 1995, SB 233, c. 328, § 13, emerg. eff. July 1, 1995; Amended by Laws 1996, HB 2428, c. 3, § 22, emerg. eff. March 6, 1996; Amended by Laws 1996, SB 845, c. 327, § 1, eff. November 1, 1996; Amended by Laws 1997, HB 1436, c. 2, § 20, emerg. eff. February 26, 1997 ([superseded document available](#)); Amended by Laws 1998, SB 949, c. 6, § 1, emerg. eff. March 9, 1998 ([superseded document available](#)); Amended by Laws 1998, SB 849, c. 165, § 1, emerg. eff. July 1, 1998 ([superseded document available](#)); Amended by Laws 1998, HB 2746, c. 180, § 5, emerg. eff. July 1, 1998 ([superseded document available](#)); Amended by Laws 1998, HB 2737, c. 388, § 3, emerg. eff. July 1, 1998 ([superseded document available](#)); Amended by Laws 1998, SB 1433, c. 412, § 5, emerg. eff. July 1, 1998 ([superseded document available](#)); Amended by Laws 1999, HB 1845, c. 1, § 38, emerg. eff. February 24, 1999 ([superseded document available](#)); Amended by Laws 1999, SB 158, c. 372, § 2, emerg. eff. July 1, 1999 ([superseded document available](#)); Amended by Laws 1999, SB 176, c. 375, § 1, emerg. eff. July 1, 1999 ([superseded document available](#)); Amended by Laws 2000, HB 2711, c. 6, § 25, emerg. eff. March 20, 2000 ([superseded document available](#)); Amended by Laws 2000, HB 2281, c. 299, § 1, emerg. eff. June 5, 2000 (repealed by Laws 2001, HB 1965 c. 5 § 54, emerg. eff. March 21, 2001); ([superseded document available](#)); Amended by Laws 2000, HB 1334, c. 336, § 9, emerg. eff. June 6, 2000 ([superseded document available](#)); Amended by Laws 2001, HB 1965, c. 5, § 53, emerg. eff. March 21, 2001 (repealed by Laws 2001, SB 814, c. 414, § 13, emerg. eff. June 4, 2001) ([superseded document available](#)); Amended by Laws 2001, HB 1231, c. 167, § 13, emerg. eff. May 2, 2001 ([superseded document available](#)); Amended by Laws 2001, SB 40, c. 211, § 3, emerg. eff. May 14, 2001 (repealed by Laws 2002, HB 2924, c. 22, § 34, emerg. eff. March 8, 2002) ([superseded document available](#)); Amended by Laws 2001, SB 814, c. 414, § 10, emerg. eff. June 4, 2001 ([superseded document available](#)); Amended by Laws 2001, HB 1214, c. 33, § 176, emerg. eff. July 1, 2001 (repealed by Laws 2002, HB 2924, c. 22, § 34, emerg. eff. March 8, 2002); Amended by Laws 2001, SB 318, c. 304, § 1, emerg. eff. May 31, 2001 (repealed by Laws 2002, HB 2924, c. 22, § 34, emerg. eff. March 8, 2002); Amended by Laws 2001, HB 1454, c. 327, § 1, emerg. eff. July 1, 2001 (repealed by Laws 2002, HB 2924, c. 22, § 34, emerg. eff. March 8, 2002); Amended by Laws 2001, HB 1768, c. 381, § 13, emerg. eff. June 4, 2001 (repealed by Laws 2002, HB 2924, c. 22, § 34, emerg. eff. March 8, 2002) ([superseded document available](#)); Amended by Laws 2002, HB 2924, c. 22, § 32, emerg. eff. March 8, 2002 ([superseded document available](#)); Amended by Laws 2002, SB 1384, c. 347, § 16, emerg. eff. May 30, 2002 (repealed by Laws 2003, HB 1816, c. 3, § 90, emerg. eff. March 19, 2003); Amended by Laws 2002, HB 2264, c. 396, § 4, emerg. eff. June 6, 2002 (repealed by Laws 2003, HB 1816, c. 3, § 91, emerg. eff. March 19, 2003); Amended by Laws 2002, HB 2302, c. 397, § 34, eff. November 1, 2002 (repealed by Laws 2003, HB 1816, c. 3, § 92, emerg. eff. March 19, 2003);

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Level

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Unclassified Service - Offices, Positions, and Personnel

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55. ~~Two Management Information Systems positions of the Office of Juvenile Affairs.~~ The following positions and employees of the Office of Juvenile Affairs:

- a) Division Directors
- b) District Supervisors
- c) Institutional Superintendents
- d) Institutional Deputy Superintendents
- e) Institutional Administrator of Programs