



**STATE OF OKLAHOMA
OFFICE OF PERSONNEL MANAGEMENT**

"Working for Oklahoma"

OPM 09-21

DATE: June 16, 2009

TO: All Appointing Authorities

FROM: Oscar B. Jackson, Jr., IPMA-CP, Administrator and
Cabinet Secretary of Human Resources and Administration

A handwritten signature in black ink, appearing to read "Oscar B. Jackson, Jr.", written over the printed name in the "FROM:" field.

SUBJECT: 2009 Human Resources Legislation

During the 2009 session, the Oklahoma Legislature passed the following human resources-related bills that affect state agencies and employees. This list includes generally-applicable HR-related legislation. It does not include legislation regarding specific agencies or appropriations. This is also not a comprehensive list of bills regarding insurance or retirement. You may access the signed bills mentioned in this memo on the Website of the [Secretary of State](#).

If you have questions concerning state government HR legislation, please contact Shirley A. Russell, OPM Director of Legislative Affairs, by phone at (405) 521-6293, or via e-mail at Shirley.Russell@opm.ok.gov.

Oklahoma Personnel Act

<p>Senate Bill 670 Aldridge/Wright</p>	<p>Enrolled SB 670 amends the following sections of the Personnel Act:</p> <ul style="list-style-type: none">• Section 3 -- Amends <u>O.S. 74:840-2.17</u>. <u>Raises</u> by deleting subsection F which requires that state agencies submit a report on pay movement mechanisms to the Office of Personnel Management each fiscal year.• Section 4 -- Amends <u>O.S. 74:840-2.23</u>. <u>State leave sharing program</u> by deleting duplicative language and clarifies who is eligible under family leave as defined by the federal Family and Medical Leave Act of 1993 to receive shared leave. The changes also simplify the calculation of the value of the donated leave by making donated leave transferable on an hour-to-hour basis.• Section 5 -- Amends <u>O.S. 74: 840-2.27C</u>. <u>Reduction-in-force plan</u> by deleting the requirement within the Reduction-in-Force (RIF) provisions for classified state employees to be rated and/or tested prior to placement on the Priority Reemployment Consideration Rosters. This statutory change streamlines the process and allows for direct placement of RIF'ed employees onto the on-line job applicant list.• Sections 6 and 7-- Amends <u>O.S. 74:840-3.4</u> and <u>74:84-3.5</u>. <u>Carl Albert Public Internship Program</u>. To improve recruitment and retention of qualified employees, an additional undergraduate internship
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	<p>program is being established. The Senior Undergraduate Internship Program requires a student to have at least 90 hours of completed coursework toward a bachelor's degree and continuous enrollment is required until graduation. The internship would be a full-time position for up to 24 months of employment from the initial appointment. There would not be automatic conversion to a classified position upon completion of the internship or graduation.</p> <ul style="list-style-type: none"> • Section 8 -- Creates <u>New Section O.S. 74:840-3.16. Executive Development Program</u> by establishing an Executive Development Program for State Officials at the cabinet secretary, agency director and senior executive levels. <p><i>Effective July 1, 2009.</i></p>
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<p>House Bill 1296 Wright/Ballenger</p>	<p>Amends <u>OS 74:840-2.27C. Reduction-in-force plan</u> by stating that if the appointing authority of an agency is an elected official then the posting of a reduction-in-force notice does not require prior approval from a cabinet secretary.</p> <p><i>Effective November 1, 2009.</i></p>
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<p>Senate Bill 232 Johnson/Miller</p>	<p>Amends <u>OS 74:840-2.20 Leave benefits-- Emergency and permanent rules</u> by deleting the reference to month and inserting pay period when determining the amount of leave accrued by an employee.</p> <p><i>Effective July 1, 2009.</i></p>
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Compensation

<p>House Bill 1111 Martin, Sc. & Murphey/Jolley & Myers</p>	<p>Amends <u>OS 62:7.6 Payroll fund and payrolls</u> to require the Office of State Finance by July 1, 2010 to make available to all state employees a centralized web-based system to access their personal employment and compensation-related information. The bill also permits state agencies that are converting to a bi-weekly or multi-monthly payroll to establish a conversion bank for their employees. An agency must provide notice of a conversion six months prior so that an employee may accumulate funds up to a maximum of 80 hours of earned annual leave, sick leave (up to 40 hours) and compensatory time (if the agency normally provides compensatory time). During the six months prior to the conversion, new hires shall be placed on biweekly or supplemental payroll.</p> <p><i>Effective May 27, 2009.</i></p>
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Grievance Procedure

<p>Senate Bill 670 Aldridge/Wright</p>	<p>Amends <u>OS 74:840-1.9 the Powers and Duties of the Merit Protection Commission</u> in paragraph 5 which authorizes the establishment of a statewide Alternative Dispute Resolution (ADR) Program by the Merit Protection Commission. The amendment adds a declarative statement that any actions agreed to in any type of alternative dispute resolution shall not alter, reduce, or modify any existing right or authority as provided by statute or rule.</p> <p><i>Effective July 1, 2009.</i></p>
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Hiring Procedures

House Bill 1025 Duncan/Sykes	Creates OS 21:1289.27 <u>Prohibiting Firearm Inquiry by Employer</u> . The bill prohibits public employers and officials from asking applicants for employment whether they own or possess firearms and states any violator shall be deemed to be acting outside the scope of their employment and shall be barred from seeking statutory immunity from any exemption or provision of the Governmental Tort Claims Act. <i>Effective May 22, 2009.</i>
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Miscellaneous

Senate Bill 789 Nichols/Terrill & Martin, St.	Creates OS 21:281 which establishes a misdemeanor for persons who knowingly make or utter a false statement in a state internal agency investigation. It states that such acts are punishable by up to one year in county jail and/or a maximum fine of \$500. The bill also specifies that the false statement must be a materially false statement. It states that the person being interviewed must be informed, in writing and prior to commencement of the interview, that providing a materially false statement shall subject the person to criminal prosecution. <i>Effective May 19, 2009.</i>
Senate Bill 798 Sykes/McCullough & Shumate	Amends <u>O.S. 74:590 Conflict of interest--Prohibition of employment of state officer by business organization awarded contract</u> by establishing penalties for the business organization involved in employing state officers or employees that exercised discretionary or decision-making authority in awarding a privatization contract. It prohibits the business organization from contracting for one year with the state agency in which the state officer or employee exercised the authority. <i>Effective November 1, 2009.</i>

Voluntary Payroll Deduction (VPD)

Senate Bill 384 Gumm/Terrill	Amends OS 62:7.10 to permit state employees to use VPD for insurance premiums for an Oklahoma Long-Term Care Partnership Program. <i>Effective November 1, 2009.</i>
Senate Bill 670 Aldridge/Wright	Amends O.S. 62:7.10, subsection B, paragraph 6, language regarding contributions to a foundation created by a statewide employee organization. The minimum membership requirement is increased from 1000 to 2000 members to make the language conform to the membership requirement in paragraph 5 which was amended last session by HB 1866. <i>Effective July 1, 2009.</i>