

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2359

By: Lawson

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5
6 AS INTRODUCED

7 An Act relating to the Department of Human Services;
8 amending 56 O.S. 2011, Section 26.17, as last amended
9 by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.
10 2020, Section 26.17), which relates to the
11 classification of employees; modifying the
12 classification of certain employees; providing for
13 election to remain classified; and providing an
14 effective date.

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

15 SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, as
16 last amended by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.
17 2020, Section 26.17), is amended to read as follows:

18 Section 26.17 A. The Director of Human Services shall have the
19 power to employ and fix the qualifications, duties, and compensation
20 of employees necessary to the fulfillment of the duties of the
21 Department of Human Services as provided by law, and shall have the
22 power to approve any legal claim for payment.

23 B. The Department of Human Services shall be a Merit System
24 agency. The provisions of this section shall supersede and revoke

1 any and all Executive Orders placing the Department of Human
2 Services or its predecessors under the provisions of the Merit
3 System of Personnel Administration.

4 C. In addition to offices, positions, and personnel in the
5 unclassified service pursuant to Sections 840-5.3 and 840-5.5 of
6 Title 74 of the Oklahoma Statutes, the following offices, positions,
7 and personnel shall be in the unclassified service:

8 ~~1. Campus police appointed pursuant to Section 162.2 of this~~
9 ~~title;~~

10 ~~2.~~ The legal division or unit established pursuant to Section
11 236 of this title;

12 ~~3.~~ 2. The Construction Unit and the Architectural and
13 Engineering Unit or their successor units; ~~and~~

14 3. All positions not subject to merit protections as conditions
15 of participation in any federal program administered by the
16 Department of Human Services; and

17 ~~4. A maximum of ten percent (10%) of the maximum number of~~
18 ~~full-time equivalent positions authorized by law to the Department~~
19 ~~of Human Services and selected at the discretion of the Director of~~
20 ~~the Department of Human Services.~~ Employees retained in the
21 unclassified service under the provisions of this section shall be
22 employees at will. Any classified employee occupying a position
23 selected by the Director pursuant to this paragraph to become an
24 unclassified position may elect to retain classified status. All

1 future appointees to such position shall be in the unclassified
2 service. In accordance with existing statute, any classified
3 employee who is serving in a position on the effective date of the
4 removal of the position from classified service and placement into
5 the unclassified service shall have the option of retaining the
6 employee's classified status. If the employee chooses to remain in
7 the classified service, the position occupied by the employee shall
8 remain in the classified service until the employee either vacates
9 the position or elects unclassified status in writing. All future
10 appointees to such positions shall be in the unclassified service.

11 The Director shall submit a list of such positions to the Office of
12 Management and Enterprise Services by September 1, 2004, and
13 annually thereafter.

14 D. All other offices, positions and personnel of the Department
15 of Human Services shall be classified and subject to the provisions
16 of the Merit System of Personnel Administration, as provided in the
17 Oklahoma Personnel Act and rules promulgated thereunder.

18 SECTION 2. This act shall become effective November 1, 2021.

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