

1 ENGROSSED SENATE
2 BILL NO. 1879

By: Treat of the Senate

3 and

4 Osburn of the House

5
6 [state employees - Human Capital Management
7 Administration (HCMA) - new hire state employee
8 positions - codification - effective date]
9

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 34.301 of Title 62, unless there
13 is created a duplication in numbering, reads as follows:

14 A. There is hereby created the Human Capital Management
15 Administration (HCMA) as a division of the Office of Management and
16 Enterprise Services. The HCMA shall:

17 1. Receive and act on complaints arising from disciplinary
18 actions concerning state employees who are described in Section 2 of
19 this act;

20 2. Establish an application process for consideration of
21 complaints before an administrative law judge employed by the HCMA
22 as an independent contractor;

23 3. Establish and maintain a statewide Alternative Dispute
24 Resolution Program to provide dispute resolution services for state

1 agencies and employees. Actions agreed to through the Alternative
2 Dispute Resolution Program provided by the HCMA shall be consistent
3 with applicable laws and rules and shall not alter, reduce or modify
4 any existing right or authority as provided by statute or rule;

5 4. Establish rules pursuant to the Administrative Procedures
6 Act as may be necessary to perform the duties and functions of the
7 HCMA; and

8 5. Submit quarterly, fiscal year reports on workload statistics
9 to the Governor, the President Pro Tempore of the Senate and the
10 Speaker of the House of Representatives containing the following
11 information:

12 a. the number of cases, complaints, and requests for
13 hearing filed, disposed of and pending with the HCMA
14 for each month of the quarter, and

15 b. a numerical breakdown of the methods of disposition of
16 such cases, complaints, and requests for hearing.

17 Quarterly reports shall be submitted within thirty (30) days
18 following the last day of the month of the appropriate quarter.

19 B. Complaints shall be filed with the HCMA within five (5)
20 business days of the date of when such action occurred, and hearings
21 shall take place within twenty (20) business days of the action.

22 C. Employees filing a complaint to be heard before an
23 administrative law judge shall show the action was the result of
24 disciplinary actions by the state agency.

1 D. Claimants shall be permitted to secure and utilize
2 representation during the review and hearing processes.

3 E. The HCMA is authorized to hire administrative law judges to
4 exercise the provisions of this act.

5 F. For purposes of this section, "disciplinary actions" means
6 termination, suspension, demotion, forced or politically motivated
7 transfers, or other actions resulting in loss of pay or benefits.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 840-10.1 of Title 74, unless
10 there is created a duplication in numbering, reads as follows:

11 A. Effective January 1, 2021, all new hire state employee
12 positions shall be unclassified and be administered by the Human
13 Capital Management Administration (HCMA).

14 B. Any classified employee who is serving in a classified
15 position shall have the option of retaining his or her classified
16 status. Any employee who elects to change from classified service
17 to unclassified service administered by the HCMA shall so indicate
18 in writing. If the employee chooses to remain in the classified
19 service, the position occupied by the employee shall remain in the
20 classified service until the employee either vacates the position or
21 elects to be unclassified under the HCMA. All future appointments
22 or employment to such positions shall be unclassified and in the
23 HCMA.

24 SECTION 3. This act shall become effective January 1, 2021.

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Passed the Senate the 11th day of March, 2020.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2020.

Presiding Officer of the House
of Representatives