

1 **SENATE FLOOR VERSION**

2 February 8, 2021

3 SENATE BILL NO. 232

By: Coleman

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6 An Act relating to the Department of Human Services;
7 amending 56 O.S. 2011, Section 26.17, as last amended
8 by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.
9 2020, Section 26.17), which relates to classification
10 of employees; removing and adding positions in
11 unclassified service; allowing certain employees to
12 retain classified status; providing for conversion of
13 certain positions to unclassified status under
14 certain conditions; and providing an effective date.

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

16 SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, as
17 last amended by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.
18 2020, Section 26.17), is amended to read as follows:

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

24 B. The Department of Human Services shall be a Merit System
agency. The provisions of this section shall supersede and revoke
any and all Executive Orders placing the Department of Human

1 Services or its predecessors under the provisions of the Merit
2 System of Personnel Administration.

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

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

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

11 ~~3.~~ 2. The Construction Unit and the Architectural and
12 Engineering Unit or their successor units; and

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

16 ~~4. A maximum of ten percent (10%) of the maximum number of~~
17 ~~full-time equivalent positions authorized by law to the Department~~
18 ~~of Human Services and selected at the discretion of the Director of~~
19 ~~the Department of Human Services.~~

20 D. Employees retained in the unclassified service under the
21 provisions of this section shall be employees at will. Any
22 classified employee occupying a position selected by the Director
23 pursuant to this paragraph to become an unclassified position may
24 elect to retain classified status. All future appointees to such

1 position shall be in the unclassified service. In accordance with
2 existing law, any classified employee who is serving in a position
3 on the effective date of the removal of the position from classified
4 service and placement into the unclassified service shall have the
5 option of retaining the employee's classified status. If the
6 employee chooses to remain in the classified service, the position
7 occupied by the employee shall remain in the classified service
8 until the employee either vacates the position or elects
9 unclassified status in writing. All future appointees to such
10 positions shall be in the unclassified service. The Director shall
11 submit a list of such positions to the Office of Management and
12 Enterprise Services by September 1, 2004, and annually thereafter.

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

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

19 COMMITTEE REPORT BY: COMMITTEE ON HEALTH AND HUMAN SERVICES
20 February 8, 2021 - DO PASS
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