

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 853

By: Jolley and Treat of the
Senate

4 and

5 Sears and Casey of the
6 House

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8
9 AS INTRODUCED

10 An Act relating to the Department of Human Services;
11 amending 56 O.S. 2011, Section 26.17, as amended by
12 Section 230, Chapter 304, O.S.L. 2012 (56 O.S. Supp.
13 2014, Section 26.17), which relates to Department
14 personnel; clarifying language; modifying percentage
15 of employees in unclassified service; providing an
16 effective date; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, as
19 amended by Section 230, Chapter 304, O.S.L. 2012 (56 O.S. Supp.
20 2014, Section 26.17), is amended to read as follows:

21 Section 26.17. A. The Director of Human Services, ~~subject to~~
22 ~~the approval of the Commission for Human Services,~~ shall have the
23 power to employ and fix the qualifications, duties, and compensation
24 of employees necessary to the fulfillment of the ~~provisions of this~~

1 ~~act~~ duties of the Department of Human Services as provided by law,
2 and shall have the power to approve any legal claim for payment.

3 B. The Department of Human Services shall be a Merit System
4 agency. The provisions of this section shall supersede and revoke
5 any and all Executive Orders placing the Department of Human
6 Services or its predecessors under the provisions of the Merit
7 System of Personnel Administration.

8 C. In addition to offices, positions, and personnel in the
9 unclassified service pursuant to Sections 840-5.3 and 840-5.5 of
10 Title 74 of the Oklahoma Statutes, the following offices, positions,
11 and personnel shall be in the unclassified service:

12 1. Campus police appointed pursuant to Section 162.2 of this
13 title;

14 2. The legal division or unit established pursuant to Section
15 236 of this title;

16 3. The Construction Unit and the Architectural and Engineering
17 Unit or their successor units; and

18 4. A maximum of ~~five percent (5%)~~ ten percent (10%) of the
19 maximum number of full-time-equivalent positions authorized by law
20 to the Department of Human Services and selected at the discretion
21 of the Director of the Department of Human Services. Employees
22 retained in the unclassified service under the provisions of this
23 section shall be employees at will. Any classified employee
24 occupying a position selected by the Director pursuant to this

1 paragraph to become an unclassified position may elect to retain
2 classified status. All future appointees to such position shall be
3 in the unclassified service. The Director shall submit a list of
4 such positions to the Office of Management and Enterprise Services
5 by September 1, 2004, and annually thereafter.

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

10 SECTION 2. This act shall become effective July 1, 2015.

11 SECTION 3. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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