

1 STATE OF OKLAHOMA

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

3 SENATE BILL 232

By: Coleman

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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 classification  
11 of employees; removing and adding positions in  
12 unclassified service; allowing certain employees to  
13 retain classified status; providing for conversion of  
14 certain positions to unclassified status under  
15 certain conditions; and providing an effective date.

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

17 SECTION 1. AMENDATORY 56 O.S. 2011, Section 26.17, as  
18 last amended by Section 1, Chapter 395, O.S.L. 2015 (56 O.S. Supp.  
19 2020, Section 26.17), is amended to read as follows:

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

B. The Department of Human Services shall be a Merit System  
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~~7~~ 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~~  
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.

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.~~

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

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

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

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