

1 ENGROSSED HOUSE
2 BILL NO. 4058

By: McCall of the House

3 and

4 Quinn of the Senate

5
6
7 [labor - Oklahoma Employment Security Commission -
8 modifying appointment of members to the
9 Commission - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 40 O.S. 2011, Section 4-102, is
14 amended to read as follows:

15 Section 4-102. COMPOSITION. There is hereby created a
16 Commission to be known as the Oklahoma Employment Security
17 Commission. The Commission shall consist of the following five (5)
18 ~~members, appointed by the Governor, by and with the consent of the~~
19 ~~Oklahoma State Senate, two of whom shall represent employers, two~~
20 ~~shall represent employees, and one shall represent the public. The~~
21 ~~representative of the public shall be the Chairman of the~~
22 ~~Commission. New appointments shall be made within ninety (90) days~~
23 ~~after any vacancy occurs in the membership:~~

24 1. Three members appointed by the Governor;

1 2. One member appointed by the Speaker of the House of
2 Representatives; and

3 3. One member appointed by the President Pro Tempore of the
4 Senate.

5 Each member shall serve at the pleasure of his or her appointing
6 authority and may be removed or replaced without cause. Any member
7 of the Commission shall be prohibited from voting on any issue in
8 which the member has a direct financial interest. The Executive
9 Director shall be an ex officio member of the Commission, but shall
10 be entitled to vote only in case of a tie vote.

11 SECTION 2. AMENDATORY 40 O.S. 2011, Section 4-108, is
12 amended to read as follows:

13 Section 4-108. EXECUTIVE DIRECTOR.

14 A. The chief executive officer of the Commission shall be the
15 Executive Director who shall be appointed by and serve at the
16 pleasure of the ~~Commission~~ Governor with the advice and consent of
17 the Senate. The Executive Director may be removed or replaced
18 without cause. Compensation for the Executive Director shall be
19 determined by the Governor. The Executive Director may be removed
20 from office by a two-thirds (2/3) vote of the members elected to and
21 constituting each chamber of the Legislature. The Executive
22 Director shall have such compensation and further duties as the
23 Commission may establish. The Executive Director may appoint in the
24 unclassified service a Deputy Director and an Associate Director,

1 and shall fix the qualifications and duties of such position. The
2 Executive Director may also appoint in the unclassified service
3 secretaries to the Executive Director, Deputy Director, and
4 Associate Director.

5 B. If a person has acquired grade, rank and career status under
6 the merit system of personnel administration within the Oklahoma
7 Employment Security Commission before being appointed as Executive
8 Director, Deputy Director, Associate Director, or unclassified
9 secretary, that person shall:

10 1. Upon termination from the unclassified position, have the
11 right to be reinstated to the position within the Oklahoma
12 Employment Security Commission which was held prior to such
13 appointment, or to an equivalent position, unless the person was
14 terminated for a reason that would justify termination of a
15 classified employee or disqualify the person for reinstatement under
16 the Oklahoma Personnel Act or the rules implementing it; and

17 2. Be entitled during the unclassified appointment to continue
18 to participate without interruption in any fringe benefit programs
19 available to career employees including, but not limited to,
20 retirement and insurance programs.

21 SECTION 3. REPEALER 40 O.S. 2011, Sections 4-103, 4-104
22 and 4-105, are hereby repealed.

23 SECTION 4. This act shall become effective November 1, 2020.
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1 Passed the House of Representatives the 11th day of March, 2020.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2020.

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9 Presiding Officer of the Senate