

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 4058

By: McCall

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to labor; amending 40 O.S. 2011,
10 Sections 4-102 and 4-108, which relate to Oklahoma
11 Employment Security Commission; modifying appointment
12 of members to the Commission; modifying appointment
13 of Executive Director; modifying determination of
14 compensation for the Director; authorizing the
15 Legislature to remove Director from office;
16 specifying vote required for removal;
17 and providing an effective date.

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

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

Section 4-102. COMPOSITION. There is hereby created a
Commission to be known as the Oklahoma Employment Security
Commission. The Commission shall consist of the following five (5)
~~members, appointed by the Governor, by and with the consent of the~~
~~Oklahoma State Senate, two of whom shall represent employers, two~~
~~shall represent employees, and one shall represent the public. The~~

1 ~~representative of the public shall be the Chairman of the~~
2 ~~Commission. New appointments shall be made within ninety (90) days~~
3 ~~after any vacancy occurs in the membership.:~~

4 1. Three members appointed by the Governor;

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

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

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

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

17 Section 4-108. EXECUTIVE DIRECTOR.

18 A. The chief executive officer of the Commission shall be the
19 Executive Director who shall be appointed by and serve at the
20 pleasure of the ~~Commission~~ Governor with the advice and consent of
21 the Senate. The Executive Director may be removed or replaced
22 without cause. Compensation for the Executive Director shall be
23 determined by the Governor. The Executive Director may be removed
24 from office by a two-thirds (2/3) vote of the members elected to and

1 constituting each chamber of the Legislature. The Executive
2 Director shall have such compensation and further duties as the
3 Commission may establish. The Executive Director may appoint in the
4 unclassified service a Deputy Director and an Associate Director,
5 and shall fix the qualifications and duties of such position. The
6 Executive Director may also appoint in the unclassified service
7 secretaries to the Executive Director, Deputy Director, and
8 Associate Director.

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

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

21 2. Be entitled during the unclassified appointment to continue
22 to participate without interruption in any fringe benefit programs
23 available to career employees including, but not limited to,
24 retirement and insurance programs.

SECTION 3. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2020 - DO PASS,
As Amended.