

*The Voice Of Oklahoma's State Employees*

# The **ADVOCATE**



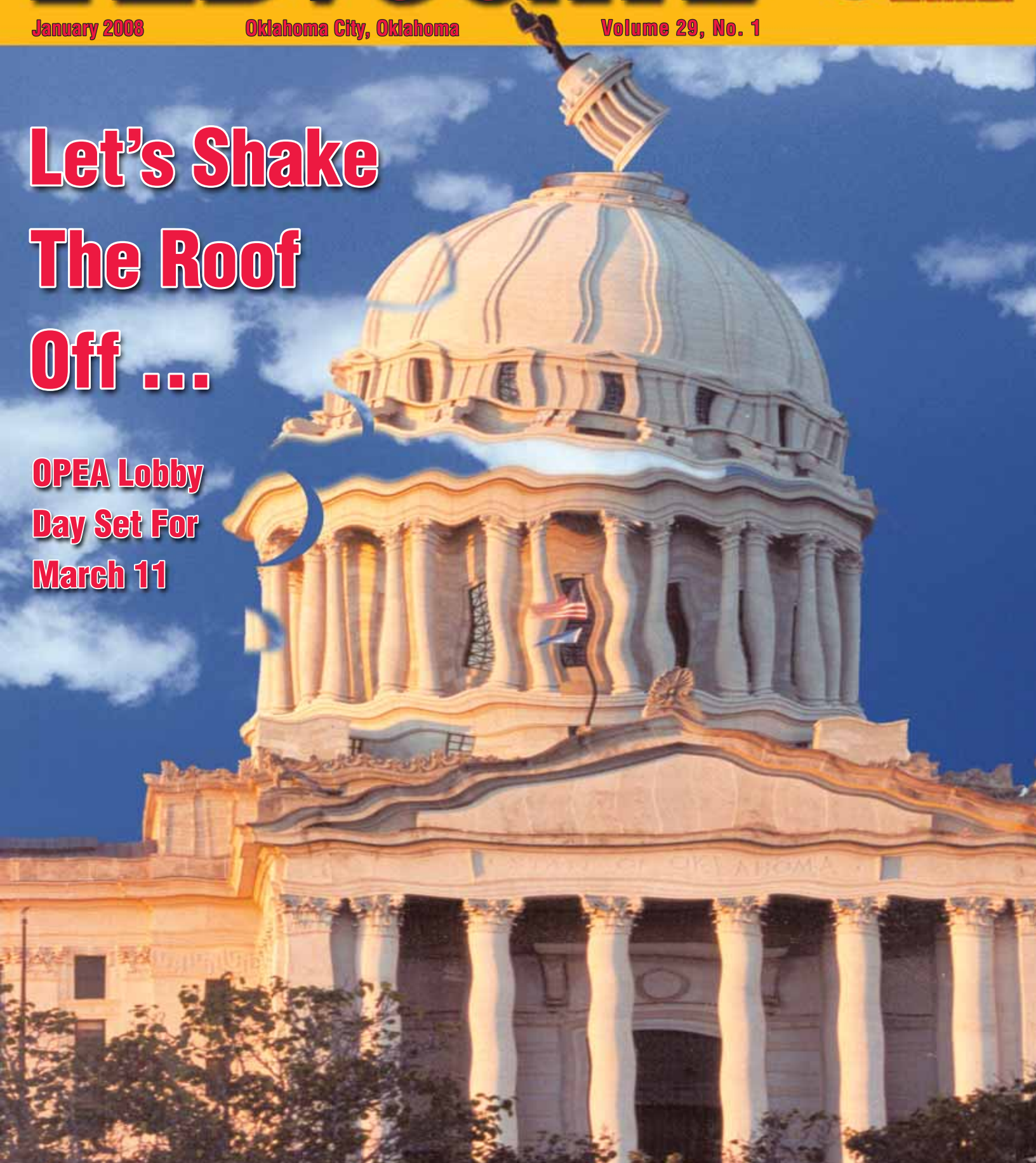
January 2008

Oklahoma City, Oklahoma

Volume 29, No. 1

## **Let's Shake The Roof Off ...**

**OPEA Lobby  
Day Set For  
March 11**





# MAKING A DIFFERENCE ...

**New Members** • The following people recently chose to get involved by joining the Oklahoma Public Employees Association.

- |                           |                     |                       |                    |
|---------------------------|---------------------|-----------------------|--------------------|
| Heidi Albrecht-Honeyfield | Larry Dunn          | Tina Lawrence         | Flora Raunborg     |
| Jessica Allen             | Sean Edwards        | Shantel Lee           | Jerry Reed         |
| Tracy Allen               | Bret Effinger       | Brenda Lenis          | Darrin Rigen       |
| Cheryl Alvarado           | Jeremy Elledge      | Dustin Leonard        | Amanda Roberts     |
| Amber Alverson            | Emily Farmer        | Amanda Leonart        | Ray Robison        |
| Kathy Anderson            | Bradley Flick       | Robbie Lively         | Keith Rogers       |
| Mercia Aranda             | Mike Fogarty        | Wendy Lloyd           | Valerie Rossiter   |
| Susan Ast                 | Amanda Ford         | Troy Long             | Vickie Rowe        |
| Lisa Avery                | Amber Forrest       | Stacy Lovell          | Estella Saucedo    |
| Jila Azimi                | Tim Fox             | Valerie Lockett       | John Schneider     |
| Kevin Barnhill            | Anna Friedberg      | Tracy LuVisi          | Judy Schneider     |
| Ashley Barrera            | Carol Gardner       | Micheal Mack          | Darryl Scott       |
| Naomi Bautista            | Leroy Gartrell      | Jody Madden           | Laurence Setters   |
| Melissa Bearden           | Carol Garvin        | Patti Madison         | Samuel Shea        |
| Grayson Bedwell           | Carla Garza         | Susan "Kathy" Marion  | Jessica Sheldon    |
| Tonja Bell                | Edward Garza        | Derrick Marshall      | J.J. Sheward       |
| Cathy Bishop              | Shirley George      | Brandy Martinez       | Todd Sinclair      |
| Sasha Blackfox            | Daniel Gilbert      | Felicia Matthews      | Diane Singerman    |
| Chris Blaas               | Carla Gillespie     | Robert McAtee         | Jo Singleton       |
| Janet Blissit             | Cassandra Gillespie | Steffanie McCarthy    | David Skalenda     |
| Melisa Boomer             | Ann Gilliland       | Rhonda McComas        | Pamela Slater      |
| Amirh Bowman              | Linda Glover        | Rochelle McDavid      | Janice Smith       |
| Rebecca Bradley           | Rachel Godsey       | Jacqueline McGuire    | Janelle Springer   |
| Jacob Branson             | Toni Goodson        | Carolyn McIlwain      | Linda Stanford     |
| Karen Brown               | James Gray          | Amber McKinley        | Katrina Stephenson |
| Lydia Brown               | Ray Guest           | Deborah Meadows       | David Sternlof     |
| Patricia Brown            | Erica Hall          | Joy Mensch            | Johnetta Stewart   |
| Larry Browning            | Lori Harris         | Rachel Milam          | Gregory Stockton   |
| Sharon Brundage           | Rita Harrod         | Kandy Milette         | Robin Tate         |
| Kimberly Camacho          | Linda Helean        | Keeley Mitchell       | Terri Tate         |
| Jeannie Camp              | Kenneth Henderson   | Tamara Mitchell-Hurst | Kym Taylor         |
| Morgan Carpenter          | Kristy Henderson    | Jeff Moore            | Tinker TeLinde     |
| Jimmy Carr                | Elva Hernandez      | Shelia Mosus          | Regina Thompson    |
| Bradley Casper            | Paula Hildestad     | Debra Moyer           | Augustine Uche     |
| Leonard Cato              | Dax Hill            | Matthew Mundy         | Leslie Ullrich     |
| John Christman            | Rex Hines           | Delores Muse          | Karlinda Valadez   |
| Kasandra Clark            | Janice Holmes       | Fatai Na-Allah        | Richard Van Vorst  |
| Roxanne Clark             | Carla Hooper        | Teresa Nealy          | Bonnie Vann        |
| Whitney Cook              | Brenda Howell       | Sarah O'Connor        | Larry Waddell      |
| Casey Cooper              | Janie Hughes        | Ida Overbey           | William Walker     |
| John Copeland             | Melinda Jackson     | Robert Overgard       | Rudene Walton      |
| Craig Corbin              | Darla Jirasek       | Apryl Owens           | Richard Watts      |
| Laura Cramer              | Diane Johnson       | William Owens         | Jamie Webb         |
| Willie Craven             | James Johnson       | Twyla Palmer          | Tammy Wehrenberg   |
| Tiffany Crawford          | Veatrice Johnson    | Terry Parker          | Dawn White         |
| Arthur Crittenden         | David Jukick        | William Patterson     | Dawna White        |
| Shawn Dalrymple           | Shelly Knowles      | Mary Pavliska         | Robert Williams    |
| Judith Davis              | Patricia Kolb       | Donita Peck           | Rita Wilson        |
| Dustin Davison            | Vicky Kyzer         | Julie Perkins         | Angela Woodruff    |
| Alvanette Dawson-Davison  | Cheryl Laidacker    | Tina Pipestan         | Harold Wright      |
| Billy Day                 | Patrick Lallande    | Dianna Porter         | Carol York         |
| Jacquelyn Day             | Dino Lalli          | Patricia Pratt        | Hebron Young       |
| Laura Donaldson           | Chad Lattin         | Tonia Puffett         | Cindy Younger      |
| Nancy Donaldson           | Billy Lawrence      | Karen Qualley         |                    |

**15-Year Anniversaries** • These OPEA members reached their 15th anniversary with the association during the past month.

- |                 |                  |                |                 |                     |
|-----------------|------------------|----------------|-----------------|---------------------|
| Cynthia Adams   | Susannah Cookson | Pamela Fox     | Judith Rau      | Mary Schniedermeier |
| Gretta Ballard  | Spencer Cooper   | Rick Gutierrez | Carla Reed      | Abby Shaw           |
| Glenn Billy     | Nema Criswell    | Melinda Hagy   | Edna Rhodes     | John Shinn          |
| Vickie Bowerman | Henry Ellick     | Debbie Hampton | Kennie Roach    | Phyllis Snook       |
| Judith Burton   | Weslie Elliott   | Sandra Johnson | Carolyn Roulain | Hugh Williamson     |
| Leonard Case    | David Fleck      | Venita Johnson | Dale Schmitz    | Janice Wren         |

Sharon King Marchbanks



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## Lobby Day Set For March 11

OPEA members from across Oklahoma are encouraged to attend the association's Lobby Day and help "shake the roof off." The annual event is set for March 11.

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## OPEA Ready To Tackle Key Issues During 2008 Legislative Session

Since OPEA's 2007 Delegate Assembly in August, the association has been preparing legislation for the 2008 session, working closely with legislators and staff to request and write bills. The success of its efforts will depend on participation from OPEA members.

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## Members Will Get Help Buying Computers

OPEA will launch a partnership with a national company that will allow members to purchase computers through a monthly payroll deduction.

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## Luncheon Provides Opportunity For GRDA Employees To Meet With Legislators

Grand River Dam Authority employees had the opportunity to meet with local legislators and representatives of OPEA Dec. 7.

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### The Advocate

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# We Have The Power To Change Things

According to my dictionary, power is “the ability to do or act. Having great influence or authority.” If we as state workers unite, work together and pull in the same direction, we have the power to make real changes in Oklahoma state government.



We have the power to ensure that our agencies get fully funded, that our salaries are competitive and that our agencies hire the proper staff to ensure that the services expected by the taxpayers are provided while keeping the staff safe.

Each of us individually has a weak voice. Together, however, we can be heard loud and clear. But that will happen only if we all do our part. Those of you who are reading this probably have already taken the first step toward contributing to the betterment of Oklahoma state government by joining OPEA. Next you should work toward uniting your colleagues in your workplace.

Then you should move on to contacting your legislators and reminding them that they have the power to provide the necessary funds to get the job done in state government.

## Moore Comments By Billy Moore • OPEA President

Challenge them to find a way to appropriate the money the state needs to provide the services its citizens deserve. Don't accept the response that they are with you on the issue. Challenge

them to lead the way. Remind them that they are also state employees and that they also work for the taxpayers. Let them know that Band-Aid fixes are not the answer.

OPEA has provided its members with facts they can use when they lobby their legislators and educate them about the plight of Oklahoma state government. I don't believe our legislators are coldhearted, but I do believe that some of them simply refuse to recognize facts when they see them. We must convince them that the facts are the facts, that numbers are numbers and that our state workers are begging for them to act now.

OPEA's 2008 Lobby Day has been set for March 11. Please plan to join us at the state Capitol to make sure our legislators hear us loud and clear.

*“Each of us individually has a weak voice. Together, however, we can be heard loud and clear.”*

# Forgive Me If I Sound Like A Broken Record

I'm dating myself a little here, but I remember a time when record albums were the only way you could play recorded music. Do you remember 33s and 45s?



I do, but while I have great memories of listening pleasure by the turntable, I also remember that records tended to do one thing, usually right in the middle of your favorite song. They would skip. And skip. And skip again. For those of you too young to remember, this is where the phrase “broken record” originated.

Over the past several months, I have been honored to have been invited to work sites all across Oklahoma so I could get acquainted with our membership. From an Enid DHS office to the Talihina Veterans Center, I have been asked pretty much the same question: “Will we get a pay raise this year?”

While the OPEA legislative team is already meeting with elected officials from different areas of Oklahoma, our efforts aren't enough to get our message across. You see, since we don't live in most of the districts these lawmakers represent, we can't vote for them. Or against them.

## Frontlines By Sterling Zearley OPEA Executive Director

This is where our membership has to rise to the occasion. Legislators need to be told right now, before other lobbying efforts divert their attention, that state employees are due this year. Actually, if you wait until Lobby Day, it could be

too late.

So call your representative and senator. Have them visit your work site. Tell them that you are a voter and you have a platform to share with them.

I've said this same thing to every group with which I've spoken since last year's legislative session ended. I keep repeating it because interacting with your legislators is the most effective way to make sure state employees are not forgotten.

So forgive me if I sound like a broken record. I repeat my message over and over because it will take a strong grass-roots political movement to make this a successful year for state employees. So call your legislator. ... Call your legislator. ... Call your legislator. ...

*“Legislators need to be told right now, before other lobbying efforts divert their attention, that state employees are due this year.”*

# Lobby Day Set For March 11

OPEA members from across Oklahoma are encouraged to attend the association's Lobby Day and help "shake the roof off." The annual event is scheduled to begin at 9 a.m. at the state Capitol on March 11.

"This will be a pivotal year for state employee issues," said OPEA Executive Director Sterling Zearley. "Because both the House and Senate have adjusted to their new leadership, state employees must also realize that it's a whole new ballgame this year with regard to pay raises, retiree COLAs and other elements of the OPEA Platform."

Plans for the day include registration and pre-rally instructions from 9 a.m. to 11 a.m., then the rally itself from 11 a.m. to 12:30 p.m.

"Speakers invited for this year include Gov. Brad Henry, Lt. Gov. Jari Askins, House Speaker Lance Cargill, Senate Co-Pro Tempore Glenn Coffee, Senate Co-Pro Tempore Mike Morgan, House Minority Leader Danny Morgan and the sponsors of our state employee pay raise legislation," Zearley said.

Following the rally, OPEA members will be encouraged to lobby their local legislators on issues that are important to state employees. According to Zearley, while Lobby Day is an integral component of OPEA's success at the Capitol, it should not be the first or the only time members interact with their legislators.

"If our members wait until Lobby Day to meet and share the OPEA Platform with legislators, they are already behind," he said. "By the time Lobby Day rolls around, legislators should already know by heart all of our issues."

For assistance with setting up legislative meetings, contact OPEA Deputy Director Scott Barger at (405) 524-6764.



## OPEA Pays Visit To Southeastern Oklahoma

OPEA Executive Director Sterling Zearley, General Counsel Melinda Alizedeh-Fard and Board member



OPEA Executive Director Sterling Zearley visits with OPEA members with Oklahoma Forestry Services.

Christie Biggs spent Oct. 25 and Oct. 26 meeting with OPEA members and potential members in Southeastern Oklahoma.

First up for the staff members was a

stop at the Latimer County Library, where state employees from Oklahoma Forestry Services, the Oklahoma

Department of Transportation and Department of Human Services gathered to enjoy pizza and discuss common issues.

"It was amazing to me to see these hard-working employees find common ground, even though they were from different agencies," Zearley said.

State Rep. Brian Renegar also attended the meeting.

"Rep. Renegar spoke to the crowd about the upcoming legislative session and the OPEA Platform," Zearley said. "After hearing what he said at this meeting, we are anxious to work with him during the session."

From there the group visited the Talihina Veterans Center, where, after a tour directed by Assistant Director and OPEA member Keith Linker, they met

with employees at the shift change and attended a pre-Veterans Commission meeting barbecue.

"There were some 50 to 75 people at this event, and we had a golden opportunity to brag on OPEA and state employees," Zearley commented.

On Friday morning, the group attended the Veterans Affairs Commission meeting.

"I had the opportunity to address this group about the goals and objectives of our association and our vision for state employment," Zearley pointed out.

Most important, Zearley brought back five new members from the trip.

OPEA Members who would like to bring Zearley or any other staff member to an employee meeting can do so through the staff e-mail section of the OPEA Web site at [www.opea.org](http://www.opea.org) or by calling (405) 524-6764.

# Compensation Task Force Prepares To Submit Final Report

After four months of reviewing the issues and formulating recommendations, the Governor's Task Force on State Employee Compensation is concluding its work and was scheduled to submit its final report to state leaders on Jan. 1.

The Task Force, established by executive order by Gov. Brad Henry in April, consists of four members from the private sector, the directors of the two largest state agencies, the director of the Office of State Finance, the director of the Office of Personnel Management and OPEA Executive Director Sterling Zearley.

"We have accomplished a lot in the short time frame that the committee has met," Zearley commented.

Over the past four months, the Task Force has met several times to discuss state employee compensation in Oklahoma, delving into the following topics:

- The gap between state employee pay and the market;
- The lack of funding for pay raises and market adjustments;

• A lack of data and accountability on compensation for unclassified positions;

- Recruitment and retention issues;
- Benefit structure;

• Challenges with the longevity program, which has not been enhanced since 1989.

The Task Force has discussed that the state has no "compensation philosophy" – no strategy for handling state employee pay. In contrast, state employee health benefits are generous compared to most private sector employers. However, the defined contribution program, SoonerSave, has not been enhanced since its inception and is not competitive with the market.

"Because state employee compensation has so many challenges and components,

the Task Force is recommending both short-term and long-term solutions," Zearley said.

For the long-term, the Task Force is recommending a comprehensive evaluation and restructuring of the state's compensation program by an outside consultant. The study would look at the value of the state benefit package and evaluate compensation for both classified and unclassified positions.

To address the immediate challenge

of state employee pay, the Task Force is recommending a salary increase for state employees during the coming legislative session.

"While the problems with the state compensation system have developed over decades and cannot be solved quickly, OPEA has stressed that state employees cannot wait another year for the consultants to complete their work," said Zearley.

A Task Force resolution states: "The governor shall submit and the Legislature shall consider a multiyear plan to bring state employee compensation to market. In the 2008 legislative session, the plan shall be based on the best available market data, including the 2007 OPM Compensation Report. The multiyear plan shall transition in the 2009 session to the data based on the total compensation model recommended by the Task Force on State Employee Compensation."

"The OPM Compensation Report, which came out in December, placed state employees at 12 percent below market," said Zearley. "This should be a wakeup call to state leaders that they must act with a substantial pay raise in the next year if they want to ensure a work force to serve the people of Oklahoma."

See the OPEA Web site at [www.opea.org](http://www.opea.org) for links to the final report of the Task Force and OPM's 2007 Compensation Report.

*"While the problems with the state compensation system have developed over decades and cannot be solved quickly, OPEA has stressed that state employees cannot wait another year for the consultants to complete their work."  
– OPEA Executive Director Sterling Zearley*

# Audit Gives OPEA High Marks

The OPEA Executive Board has approved the association's 2006 independent audit.

At its Dec. 7 meeting, the Board accepted the audit, which showed that the association's finances have rebounded significantly since a similar audit in 2005.

"By improving internal controls, the association has righted our ship to a point that we now have our finances in the shape that OPEA members should expect from a professional association," OPEA Executive Director Sterling Zearley commented.

Zearley added that the association's strong financial picture

was established through teamwork.

"The OPEA Board and staff should take a great deal of the credit because they worked side by side through difficult times to make the internal changes necessary for this organization to continue to move forward," he said.

Zearley expects even better financial news when the 2007 audit is completed.

"We will continue to make sure that our members' dues are used in a responsible manner," he said.

In keeping with the association's bylaws, results of the audit are on file in the OPEA office for review by members.

# OPEA Ready To Tackle Key Issues During 2008 Legislative Session

Since OPEA's 2007 Delegate Assembly in August, the association has been preparing legislation for the 2008 session, working closely with legislators and staff to request and write bills. The success of its efforts will depend on participation from OPEA members.

"The association has an aggressive plan for state employees to finally receive equitable treatment from the Legislature," said OPEA Executive Director Sterling Zearley. "Support from members in legislators' districts will be the key to making this program a reality."

While the requests are in, drafting has not been finalized and bill numbers have not been assigned to OPEA legislation. Watch the OPEA Web site for updates and bill numbers.

## Compensation

State employee pay raise: (Sen. Kenneth Corn, Sen. Jonathan Nichols, Rep. Trebor Worthen) This legislation will provide an across-the-board pay increase of \$2,700, effective July 1, 2008, to restore lost purchasing power and begin closing the compensation gap between state employees and the market.

Because of a lack of consistent pay increases, the average state employee making \$30,000 in the year 2000 will have lost 7.4 percent, or \$2,716, in purchasing power from his or her paycheck by July 1, 2008. According to the Office of Personnel Management's 2007 Compensation Report, released in December, compensation for state employees trails the market by an average of 12 percent.

## Retirement

**Cost-of living adjustment (COLA):** (Sen. John Sparks) This legislation will provide a 4-percent COLA to OPERS retirees, effective July 1, 2008, with an annual 2-percent increase beginning July 1, 2009. In addition, HB 2184

(Rep. John Wright), which would provide a 2-percent annual COLA to OPERS retirees, was carried over from the 2007 session.

State leaders have traditionally granted OPERS retirees an average of 4 percent in additional benefits in even-numbered years. This causes a hardship for retirees, whose costs continue to climb. In addition, COLAs have a year lapse, sometimes requiring new retirees to wait

the 1992 legislative session, state leaders moved participants in the Teachers Retirement System from the Rule of 80 to the Rule of 90 in an attempt to bolster the struggling system. At the same time, they decided to change the Oklahoma Public Employees Retirement System to the Rule of 90, even though OPERS was well-funded. The Rule of 80 could be an important tool to help recruit and retain the next

## State Employee Salaries

	State Employee Pay	State Employee Pay Increases	CPI	2000 Salary With Inflation
2000	\$30,000	\$2,000	-	\$30,000
2001	\$30,000	0	2.1%	\$30,630
2002	\$30,000	0	2%	\$31,242
2003	\$30,000	0	2%	\$32,887
2004	\$30,000	0	3.2%	\$32,950
2005	\$32,100	\$2,100	4.3%	\$34,301
2006	\$33,705	5%	1.3%	\$34,747
2007	\$33,705	0	2.5%	\$35,581
2008	?	?	2.36%	\$36,421

three years to receive an increase in benefits.

A 2-percent annual COLA would provide retirees with additional funds to help make ends meet and would not affect the unfunded liability of the system. OPERS' actuarial assumptions have a 2-percent annual COLA built into funding calculations.

**Rule of 80:** (Sen. Richard Lerblance) This legislation, SB 1110, was carried over from the 2007 legislative session and would return all state employees to the Rule of 80.

State workers employed after July 1992 are under the Rule of 90 and must work five more years before retiring than employees hired before July 1992, who are under the Rule of 80. During

generation of state employees.

**OPERS funding:** (Sen. Debbe Leftwich) This legislation will provide additional funding to the Oklahoma Public Employees Retirement System.

OPERS and the judges' retirement system, which is administered by OPERS, are the only systems that have no designated revenue source. One-third of the funding for the Teachers Retirement System comes from special tax revenues, gaming and the lottery. The firefighters' and troopers' systems receive funding from the insurance premium tax and car tag fees. A designated funding stream would provide state employees with a secure retirement while giving state agencies and counties relief from

(Continued On Page 8)

## Key Issues (Continued From Page 7)

increased contributions.

**WorldCom Funds:** (Rep. Chuck Hoskin) This legislation will return funds lost in the WorldCom downfall to the retirement systems. The systems, which invested funds on behalf of workers and retirees across the state, lost \$66 million as a result of the corporation's collapse. The state was paid \$11.7 million to settle the issue, which was given to the Department of Commerce. OPEA believes the funds should be distributed to the affected state employee systems.

### *Personnel And Workforce Planning*

**Education loan fund:** (Rep. Mike Jackson) This legislation will establish a fund at the Office of Personnel Management to pay for the State Employee Education Loan Repayment Act, passed during the 2007 legislative session. The revolving fund would be started with \$3 million to help agencies recruit and retain qualified staff who must pay off education loans at the beginning of their career. The fund should be replenished with annual appropriations.

**Unclassified RIF:** (Sen. Jay Paul Gumm) This legislation will give unclassified employees severance benefits in a reduction-in-force (RIF), including the process outlined in Title 74, Chapter 27A, Section 840-2.27 of the Oklahoma Statutes.

Cleanup legislation passed in 2003 inadvertently removed all rights and severance benefits for unclassified employees in a

reduction-in-force. OPEA believes all state employees should receive severance benefits when their jobs are eliminated. HB 2063 (Rep. Terry Hyman), which addresses this issue, was carried over from the 2007 legislative session.

**Unclassified service:** (Sen. Jay Paul Gumm) This legislation will address issues relating to the number of unclassified employees in state government. Twenty-six percent of Oklahoma's state employees are unclassified, more than twice the regional average of 11 percent.

**Community volunteering:** (Sen. Judy Eason-McIntyre) This legislation will provide state employees up to 40 hours of paid leave to serve as tutors, student mentors or volunteers for a 501(c)3 service organization.

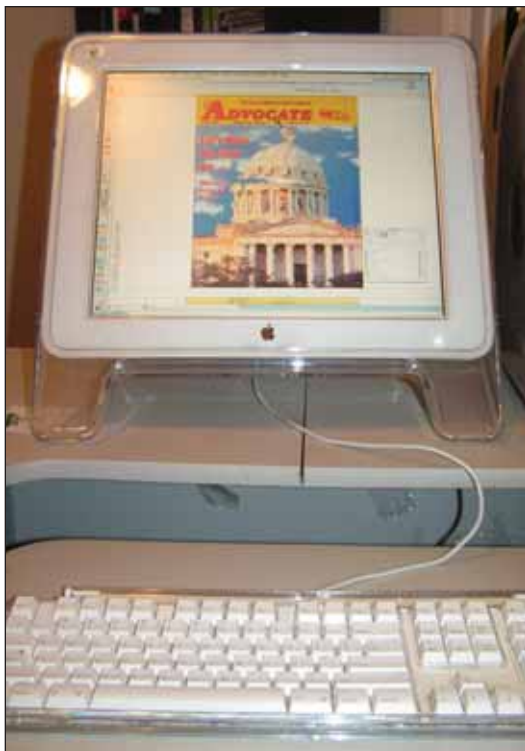
### *Agency Funding And Staffing*

State agency budgets, which were victims of the revenue shortfall earlier in this decade, still have not recovered. The association is meeting with agencies to discuss funding needs and opportunities to partner during the legislative session.

"We will work this session to obtain funding for increases in operations of state agencies, including retirement and insurance benefits, as well as fuel and equipment costs," Zearley said. "We will also push to obtain additional funding for agencies with staffing shortages and high caseloads."

## Members Will Get Help Buying Computers

OPEA will launch a partnership in January with a national company that will allow members to purchase computers and other accessories through a monthly payroll deduction.



"The OPEA Board approved this partnership at its last meeting because they felt it would offer an excellent opportunity for our members to "painlessly" buy any number of computers and other products through a 12-month payroll deduction," OPEA Executive Director Sterling Zearley commented.

With products from Gateway and Dell, the company, Purchasing Power, offers some of the finest computers in the world, Zearley said.

"If any of our members are planning to buy computers for themselves or their family over the holidays, it might be wise to wait until the Purchasing Power program is launched," Zearley commented.

Details of the program will be announced on the OPEA Web site, in *The Advocate* and in e-mails to members.

Only OPEA members will be able to take advantage of the program.

## Legislative Meetings Set

The most critical way to help accomplish the goals of the OPEA Legislative Program is for groups of state employees to meet with legislators in their districts. The following meetings have been set for January. To schedule a meeting in your workplace or community, call the OPEA office at (405) 524-6764 or (800) 880-6732.

**Ardmore:** Jan. 10 • 5 p.m. • Carter County Health Department • 405 S. Washington St.

**Muskogee:** Jan. 17 • 5 p.m. • Muskogee Public Library • 801 W. Okmulgee.

**Enid:** Jan. 31 • 5:30 p.m. • Northwestern Oklahoma State University • 2929 East Randolph • Enter at the west end of the building.

# Luncheon Provides Opportunity For GRDA Employees To Meet With Area Legislators

Grand River Dam Authority employees had the opportunity to meet with local legislators and representatives of the Oklahoma Public Employees Association Dec. 7.

The GRDA and OPEA hosted a luncheon and tour of the agency's coal-fired complex in Chouteau. The day's activities, organized by OPEA Board member Ken Burrow, OPEA Membership Director Dean Balmer and Executive Director Sterling Zearley, included a tour of the facility and dialogue with local legislators and GRDA Chief Executive Officer Kevin Easley.

"We were thrilled that Sens. Mary Easley and Jim Wilson, along with Reps. Doug Cox, Chuck Hoskin and Ben Sherrer, could attend this event and witness firsthand the great effort that state employees in this area give every day," Burrow said.

The tour of the facility was conducted by plant manager Charles Barney.

"This event offers a perfect example of what our members



in other agencies should do with regard to legislative visits," Zearley said. "Our office is always ready to make events like this happen so that our members can start the lobbying process with their local legislators."

## Norman Members Meet With Lawmakers

OPEA members in Norman area offices representing Griffin Memorial Hospital, the Oklahoma Youth Center and the Department of Human Services held a lively legislative forum Dec. 4 so state employees could meet with local lawmakers. At the same time, they begin the process of starting a new OPEA chapter.

Organized by OPEA Board member Dixie Jackson and attended by OPEA Executive Director Sterling Zearley, the meeting featured State Rep. Wallace Collins and State Sen. John Sparks, who spoke about state employee issues. Also attending the meeting were Oklahoma Department of Mental Health officials Durand Crosby, chief of operations, and Steve Buck, deputy commissioner for communica-

tions and prevention.

"This was a terrific turnout and it

was great to see these dedicated state employees coming together to take part in the political process," Jackson said. "This shows our legislators that we can make a difference in their local support."

According to Jackson, the legislators spoke directly to the OPEA

Legislative Platform, saying that in order for state employees to receive a pay raise and other considerations this session, they need to continue to show legislators exactly what services they provide for the people of Oklahoma.

"Our legislators also addressed tax cuts, saying that because Oklahoma is one of the lowest-taxed states in the country, cuts really are not necessary,"

she said.

Zearley pointed out that meetings like this one will sway legislators' feelings regarding state employee issues.

"We collected 32 signatures to form a

new chapter in this area," he commented. "These grass-roots groups are there to grab our lawmakers' attention and reiterate the OPEA Platform."

Zearley said that any group that wishes to organize a similar meeting should contact the OPEA office for assistance.

***"These grass-roots groups are there to grab our lawmakers' attention and reiterate the OPEA Platform."***  
- OPEA Executive Director Sterling Zearley



Attending the Norman meeting were, left to right, Jessica Thomason, Diane Hardersen, Bob Hendley, Fran Hendley, Rep. Wallace Collins, Aliceann Stawicki and Pam Hunt.

# The Rest Of The Story ...

*(What follows is a response from OPEA Executive Director Sterling Zearley after The Sunday Oklahoman published a rant from Russell Jones, an employee of the Oklahoma higher education system who appears to be a serial antagonist of state employees.)*

This week's *Sunday Oklahoman* ran a letter by Russell Jones of Guthrie citing that Oklahoma had too many state employees. This is not Mr. Jones' first diatribe against state employees – he seems to have serious issues with those who serve Oklahoma. It might also be noted that Mr. Jones' paycheck is signed by the Oklahoma treasurer – you see, he is an employee in Oklahoma's higher education system.

In his tirade, Mr. Jones indicates that Oklahoma has too many state employees at 67,424. He failed to mention that some 30,629 are his brethren in higher education. Check these numbers – Oklahoma has 2,327 fewer state workers today than in 1991 while, during that same time, the number of higher education employees has increased by 7,056, or 30 percent.

While we are functioning with fewer state employees, Oklahoma has increased its services to the taxpayer. For instance:

- ✘ The Department of Human Services has 500 fewer employees than 10 years ago and yet caseloads have continued to climb.

- ✘ Advantage Waiver recipients increased by 40 percent, from 11,333 to 18,856, between FY 2000 and FY 2006. This important program helps elderly and disabled Oklahomans remain at home and not in institutionalized care.

- ✘ The monthly average of food stamp recipients increased by 45 percent, from 298,204 to 433,472, between 2002 and 2006. Most food stamp recipients are families of the working poor who have low-paid jobs or are between jobs.

- ✘ Medicaid recipients have increased by 31 percent since 2001, from 431,650 to 566,809. Medicaid participation is limited to children, pregnant women, the disabled and the

elderly.

- ✘ Adult Protective Services referrals per year have increased by 18 percent, or 2,627, since 2002.

- ✘ Child Welfare referrals per year have increased by 15 percent, or 7,851, since 2001.

- ✘ Since 1990, workers in the Department of Transportation and the Turnpike Authority have decreased by 342 workers, or 10 percent, while the state has continued to add lane miles to the system.

- ✘ Compared to 1992, the Department of Mental Health and Substance Abuse Services has 21 percent fewer employees, while adding services. Most notably, the agency opened a state-operated facility within weeks of a vendor abandoning Eastern State Hospital clients.

The statistics, however, don't tell the story of the personal sacrifice of these workers, whose salaries are an average of 12 percent below market. Child welfare workers often leave their families in the middle of the night to rescue an abused child. Correctional officers work double shifts to keep our prisons safe. The list is endless.

Mr. Jones needs to get his facts straight, though – the average state employee salary is \$34,890, according to the Oklahoma Office of Personnel Management.

In his letter, Mr. Jones contends that with the money saved by reducing state employees, many roads and bridges could be repaired. We must respectfully ask that, without these state employees, who is going to do the work? Sounds to us that our friend in higher education is eager to grab a shovel and get started. By the way, we already have our shovel, in order to dig through the claptrap that spews forth from Russell Jones.

## ... And Another Opinion

*(The following is a response from OPEA Board member Tom McDonald to a recent letter to the editor of The Sunday Oklahoman regarding state employees. Tom's letter was published several days after the initial letter.)*

I must take exception to Russell Jones' assertion that Oklahoma has too many state full-time-equivalent employees ("Too Many Workers," 11/11/07).

Jones states that there are 67,474 FTEs, according to the 2006 census.

According to the Oklahoma Office of Personnel Management's Annual Report FY2006, there are only 36,917 FTEs. The remaining 30,557 employees are higher education employees. These are employees of colleges and universities in the state of Oklahoma; they are not state employees.

Jones goes on to say that the average salary of the FTEs is \$38,770 per year. The OPM's Annual Report FY 06 reports



Tom McDonald

that the average salary for all state employees, not including higher education, is \$34,890.

Unfortunately, most state employees don't make this much. I agree there are probably areas of state government that we can trim or consolidate, and the savings could go to fix roads and bridges and

provide better services to the underserved. But Jones needs to make sure he is quoting his facts correctly and not using numbers that are factually incorrect.

# Purchasing Power...Coming Soon!

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*Purchasing Power, the every day benefit, will be offered to qualified Oklahoma Public Employee Association members. Through this unique member benefit program, you may purchase new computers regardless of credit status and with the convenience of payroll deduction.*

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# Cadets Ready For Legislative Session

OPEA Membership Director Dean Balmer and President Billy Moore stressed the importance of unity and having a strong voice at the state Capitol when they met with new employees at the Department of Corrections in Wilburton Nov. 27.

Moore and Balmer, a former correctional officer, explained to cadets that without the efforts of the Oklahoma Public Employees Association, the state would not be paying for 75 percent of their dependant insurance, and they would not have a true 20-year retirement plan. Balmer added that without OPEA and the support of DOC Director Justin Jones, correctional employees would not have a seven-day pay cycle.

Moore pointed out the benefit of having an attorney on



DOC cadets listen to OPEA Membership Director Dean Balmer and President Billy Moore.

staff at OPEA who provides important services at no charge to OPEA members. He added that with unity and participation from OPEA members, DOC employees would have been left out of the state-employee pay raise in 2006.

During the meeting, Balmer noticed a former DOC employee in the class. Vicky Hiner, a one-time correctional officer at the Lexington Assessment and Reception Center, left the agency to work for the Oklahoma Military Department but has returned to DOC because of privatization

at OMD. Balmer recognized Hiner as a leader who once served as an officer of the Rex Thompson chapter in Lexington.

When the meeting ended, more than 30 cadets joined OPEA in its fight for change.

# State Owes Money To Some Retirees

While the issue is quite complicated, its end result is quite simple – Oklahoma state employees who retired prior to 1998 are owed money.

Prior to 1998, state employees participating in the Oklahoma Public Employees Retirement System could voluntarily contribute up to 10 percent of their salaries between \$25,000 and \$40,000. At the time, the calculation to determine retirement benefits was capped at the \$25,000 salary level.

In 1998, state leaders determined that this cap should be removed, and the same retirement benefit was provided for everyone who was still an active member of OPERS, regardless of whether they had contributed additional money to the system.

A process was established to transfer excess contributions for those who retired after July 1, 1998, to SoonerSave accounts. The following year, legislation was passed to give an increased benefit to employees who had left state service but

had not yet retired by returning contributions to these participants in the form of a \$200 per month increase in their benefit until their contributions had been fully returned. No remedy has been established for participants who retired before July 1, 1998, however.

Legislation to return the excess contributions made by those who retired prior to 1998 was not heard in committee during last year's legislative session and, according to statute, cannot be considered in the 2008 session. Over the last nine years, OPEA has sponsored this legislation several times, only to see it stalled in committee or in either the House or the Senate. OPEA retiree members have asked the association to investigate alternatives to legislation, possibly legal action, to restore the funds to this group of retirees.

If you retired prior to 1998 and voluntarily made additional contributions to the retirement system, please contact Trish Frazier at the OPEA office at (405) 524-6764, (800) 880-6732 or trishf@opea.org.

# Break Room Moves Into New Home At OPEA Headquarters

"The Break Room," OPEA's groundbreaking podcast, has moved to its new studio inside the OPEA building.

Featuring guests ranging from Lt. Gov. Jari Askins to State Rep. Randy Terrill to Labor Department Chief of Staff Mannix Barnes to former OPEA Executive Director Pat Hall, "The Break Room" is one of the most innovative programs of its type in America. To check out the latest weekly edition of the program, as well as previous editions, go to the "Podcast" button on the left side of OPEA's home page at [www.opea.org](http://www.opea.org).



Former OPEA Executive Director Pat Hall, left, was a recent guest in the Break Room, with Bud Elder, center and Scott Barger.

# OPEAPAC Board Looks At Endorsement Policy

The Oklahoma Public Employees Association Political Action Committee, the political arm of OPEA, met recently to discuss how legislators and candidates will be granted endorsements in future elections. Executive Trustee Steve Paris focused the discussions on the mission of the PAC, "supporting those who support the fair and equitable treatment of public employees."



Members of the OPEAPAC Board met recently to discuss OPEA's endorsement policy. Left to right: Bob Zapffe, Richard Deatherage, Turner Mann, Lynne Bussell, Steve Paris, Sharita Ramsey, Larry Kelley and OPEA Executive Director Sterling Zearley.

The trustees heard recommendations from Turner Mann, chair of the Endorsement Policy Subcommittee. He also provided a brief history of past endorsement policies.

"The subcommittee has looked at several endorsement policies and reviewed the old policy of

assigning percentages," Mann said. "We believe that there is a need for OPEAPAC to have a broad endorsement policy that allows all the variables to be considered, including member and chapter input."

Mann told trustees that the new policy for incumbent legislators will encompass the following areas:

- Voting records showing support on state employee issues;
- House and Senate leadership on OPEA initiatives;
- Feedback from members;
- Staff input from the Capitol and from out in the field;
- Any other action or inaction that might affect state employees.

"For non-incumbents or statewide offices, we will still use a questionnaire, member input and an assessment of the candidate's ability to win," said Mann.

Trustee Larry Kelley recommended that OPEA councils help prepare questions for the questionnaire.

"Many of these issues are central to OPEA's membership and should be included when we are looking at candidates who are not already an endorsement choice," he said.

The committee also recommended that OPEAPAC grant three levels of endorsements.

"The first level would be an endorsement only. The second would include some financial assistance, and the third would include an endorsement, funding and volunteers," said Mann.

In other business, the OPEAPAC trustees are encouraging all OPEA members who are interested in lobbying to attend the Government Relations School scheduled for Jan. 2 in Oklahoma City.

"It will be the best 20 dollars you ever spent," said Paris.

## Who Are You Going To Call?

OPEA members only may call the OPEA office for:

Executive Director: Sterling Zearley



Legal Advocacy Program • Grievance Assistance:  
Melinda Alizadeh-Fard, General Counsel



Agency Information: Trish Frazier, Policy and Agency Relations Director



Political Action: Scott Barger, Deputy Director



Communications Information: Bud Elder, Communications Director



Legislation Information: Nancy Hughes, Executive Assistant



Schedule A Meeting: Dean Balmer, Membership Director



Schedule A Meeting: Tarajee Stevenson, Membership Representative



General Information: Rachelle Johnson, Administrative Assistant



Joining OPEA: Nancy Hughes or Rachelle Johnson

(405) 524-6764 • (800) 880-OPEA (6732)

[www.opea.org](http://www.opea.org)

13 N.E. 28th St. • Oklahoma City, OK 73105

# Some Help When You're Just Doing Your Job

It was the custom during the Greek and Roman Empires to employ messengers to carry news and edicts out to all regions. Given that the news might not always have been to the liking of the



recipients, the laws decreed that the messengers were to pass unharmed from place to place in order to deliver their message to the entire population. This was arguably the first recognized use of qualified immunity for a governmental employee, as well as the origins of the saying, "Don't kill the messenger."

Qualified or good faith immunity is an affirmative defense that protects employees from personal liability for doing their job. Specifically, qualified immunity shields government officials performing discretionary functions of their job from liability for civil damages unless their conduct violates clearly established statutory or constitutional rights that should have been understood by a reasonable person.

In examining the qualified immunity defense, the U.S. Supreme Court has established that the "good faith" defense has both an "objective" and a "subjective" aspect. The first, the objective element, involves a presumptive knowledge of and respect for "basic, unquestioned constitutional rights."

*"Under Oklahoma law, qualified immunity is extended to employers who give job performance information to a prospective employer if the employee has requested or consented to furnishing the information."*

The second element, the subjective component, refers to "permissible intentions." The actions cannot be carried out for malicious reasons or with the intention to deprive someone

of their constitutional rights or to cause them injury.

A government official who is sued is entitled to qualified immunity if the actions for which he or she is being sued are not prohibited by federal law, and the employee's actions are objectively and legally reasonable. To put it another way, the 10th Circuit has held that qualified immunity would not be available for a defendant if a plaintiff can prove that the official violated a constitutional or statutory right and that the constitutional or statutory right was clearly established when the alleged violation occurred. Once a public official raises a

## Burden Of Proof

By Melinda Alizadeh-Fard  
OPEA General Counsel

claim of qualified immunity, the burden shifts to the plaintiff to show that the actions of the defendant were out of line and that he or she is not entitled to that immunity.

Qualified immunity comes up most often in situations involving either a civil rights violation or a governmental tort claim. In a 1983 case, for example, injuries might include police brutality, beatings or cruel and unusual punishment and stem from the abuse of power or authority. A governmental tort usually involves a negligent injury by a government employee acting within the course and scope of employment, and the injuries complained of could be of any nature, including but not limited to physical, property loss or economic.

Examples of officials whose actions fall within the scope of qualified immunity include:

- A police officer or government agent conducting a search based on probable cause. If nothing is found, the officer cannot be personally sued unless it can be proven that the only purpose of the search was to harass. The officer has qualified immunity.

- A child welfare worker removing a child from a home while investigating an allegation of abuse that indicates immediate danger. Social workers who act according to accepted standards of practice and who in good faith make difficult judgments to the best of their ability will not be held to be criminally culpable or civilly negligent and are entitled to qualified immunity.

Another example of where qualified immunity would apply is in conjunction with former employers giving job references. Under Oklahoma law, qualified immunity is extended to employers who give job performance information to a prospective employer if the employee has requested or consented to furnishing the information. Of interest to active state employees, this statute also provides that a state agency may disclose information regarding a current or former employee's job performance to another state agency without the employee's consent.

If you feel you are under fire for something that happened while you were just doing your job, you probably are entitled to a qualified immunity defense.

*"Qualified immunity comes up most often in situations involving either a civil rights violation or a governmental tort claim."*

## The OPEA Mission Statement

OPEA unites public employees in Oklahoma to improve the quality of state employment.

## The OPEA Vision Statement

OPEA will be a catalyst to make Oklahoma a better place to live and work.

# DHS Employees In Okmulgee Get Involved

Department of Human Services workers in Okmulgee had an opportunity to voice their concerns about pay, retirement, insurance and political activity during a pizza lunch Oct. 23.

“This was a smart, involved and dedicated group of state employees who know they have to work together to make



changes for the better,” said OPEA staff member Bud Elder, who held the meeting.

Elder added that politics were discussed, as well.

“This group discussed at length a political action plan for the future,” he said. “They plan to invite their legislators to the workplace so they can witness firsthand the fine job these state employees perform.”



The OPEA Board elected officers at its Dec. 7 meeting. They include, left to right: Tom McDonald, treasurer; Patricia Parker, secretary; Billy Moore, president; and Connie Stockton, vice president.

## Did you know that Oklahoma Public Employees could save up to \$327.96 or more a year on auto insurance?



You may already know that Oklahoma Public Employees can get a special group discount on auto insurance through Liberty Mutual's Group Savings Plus® program.\* But did you know that Group Savings Plus offers many other discounts on both auto and home insurance? In fact, you could save up to \$327.96 or more a year on auto insurance alone.\*\* And you could save even more by insuring your home as well.

To learn more about all the valuable savings and benefits available through Group Savings Plus, call today.

Call **1-800-225-8281** for the Liberty Mutual office nearest you or visit [www.libertymutual.com/lm/opea](http://www.libertymutual.com/lm/opea).

\*Discounts and credits are available where state laws and regulations allow, and may vary by state. Certain discounts apply to specific coverages only. To the extent permitted by law, applicants are individually underwritten; not all applicants may qualify. \*\*Figure based on a March 2006 sample of auto policyholder savings when comparing their former premium with those of Liberty Mutual's group auto and home program. Individual premiums and savings will vary. Coverage provided and underwritten by Liberty Mutual Insurance Company and its affiliates, 173 Berkeley Street, Boston, MA. A consumer report from a consumer reporting agency and/or a motor vehicle report, on all drivers listed on your policy, may be obtained where state laws and regulations allow. ©2006 Liberty Mutual Insurance Company. All Rights Reserved.



# March 11 is OPEA Lobby Day

This is your day to show legislators that state employees are unified and looking for solutions to staffing levels, agency funding and the high cost of living. Mark your calendar to be at the state Capitol **March 11, 2008**.

## Our Goals

- **Compensation** - State employees should receive an across-the-board pay increase of \$2,700, effective July 1, 2008, to restore lost purchasing power and begin closing the compensation gap between state employees and the market. A strategic plan should be adopted to bring state employees to market by FY 2011.
- **Retirement** - OPERS retirees should be provided a 4-percent cost-of-living adjustment (COLA), effective July 1, 2008, with an annual 2-percent increase beginning July 1, 2009.
- **Personnel and Work Force Planning** - A revolving fund should be established by the Office of Personnel Management to fund the State Employee Education Loan Reimbursement Act, passed during the 2007 legislative session.
- **Budget** - State agencies should be provided with funding for increases in operations, including retirement and insurance benefits, fuel and equipment costs.
- **Retirement** - All state employees should be returned to the Rule of 80.

### Oklahoma Public Employees Association Membership Application

Please return to: OPEA, 13 N.E. 28th St., Oklahoma City, Okla. 73105 or visit [www.opea.org](http://www.opea.org).



First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Home Phone ( ) \_\_\_\_\_ Work Phone ( ) \_\_\_\_\_  
 Home E-mail \_\_\_\_\_ Work E-mail \_\_\_\_\_  
 Agency \_\_\_\_\_ Work Location \_\_\_\_\_ Position \_\_\_\_\_  
 Work Location Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Work Fax Number ( ) \_\_\_\_\_ Who introduced you to OPEA? \_\_\_\_\_

#### Payroll Deduction Authorization

I hereby authorize the state of Oklahoma to deduct from my pay the amount checked below required to purchase dues in the Oklahoma Public Employees Association, subject to my right to revoke this order by written notice to my employer.

#### Dues Options:

\$15       \$15 \_\_\_\_\_ + \_\_\_\_\_ (Members may choose to pay more to help the Association further its goals.)

Signature \_\_\_\_\_ Last Four Digits SS# \_\_\_\_\_ Birth Date \_\_\_\_\_  
 OPEA's standard dues are \$15 per month. Annual dues: state employees - \$180; retirees - \$60; associates - \$20; corporate affiliates - \$300. Contributions or gifts to OPEA are not deductible as charitable contributions for federal income tax purposes. However, dues payments are deductible as a miscellaneous itemized deduction. Dues include your annual subscription to *The Advocate* (a \$4 value). Your \$15 monthly dues payment includes a \$2.25 contribution to OPEAPAC.

I do not want \$2.25 per month of my dues to go to OPEAPAC.

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