

The **ADVOCATE**

The Voice Of Oklahoma's State Employees



July 2007

Oklahoma City, Oklahoma

Volume 28, No. 4



We Are Oklahoma:

Our Lives;

Our Passion;

Our Jobs



MAKING A DIFFERENCE ...

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

- | | | | |
|----------------------|--------------------|---------------------------|-------------------------|
| Helen Aldridge | Nazaria Elliott | Michael Lombard | Dan Sherman |
| James Allen | Kelly Elsey | Brandon Lopez | David Simmons |
| Danielle Allsup | Cary Eschler | Bertha Magana | Rebecca Sinclair |
| John Allums | Manuel Esparza | Patricia Martin | Tonjia Singleton |
| Christina Anderson | Sharon Exendine | Timothy Mathis | Amani Smiley |
| Lyndse Ashley | Deanna Farmer | Alta Matthews | Amber Smith |
| Carla Austin | Kelley Findley | Tiffiney McCleary | Carrie Smith |
| Steven Ballerd | Lisa Ford | Mark McCorely | Kimberly Smith |
| Lillian Barber | E. Louise Foster | LaGayla McGahee | Jessica Snowlier |
| Allison Barnett | Pamela Gailey | Suzanne McMahan | Karen Solis |
| Ayoade Bashorun | Debra Gallardo | Grant Mennecke | Joseph Spross |
| Debra Beloncik | Paula Garrett | Cindy Miller | Leah Stafford |
| Joann Beverage | Billie Gibson | Kristin Mills | Janet Stallings |
| LaVita Billy | Barbara Grant | Maria Morales | Donald Stephens |
| Sharon Bittner | Daryl Guthrie | Mary Morris | Larry Stewart |
| Nick Blakey | Steven Gwin | Kimberly Mullins-Dulworth | Sandra Stinson |
| Steven Blaser | Sheila Haley | Ray Neal | Daniel Stottlemeyr |
| Wendy Bohannan | Devoria Hamilton | Teresa Nichols | Dena Stricklin |
| John Boul | Rebekah Hardy | Mark Norris | Larry Swepton |
| Rebecca Boyd | Terrainia Harris | Kristina Oetken | Daniel Tait |
| April Bramer | Tommy Hay | Claudia Olivares | Beverly Taylor |
| Deborah Breckenridge | Amanda Hedrick | Deseree Owens | Kathy Taylor |
| J.C. Brooks | Barbara Henderson | Stacie Paige | Fabian Thomas |
| Barbara Calhoun | Teresa Hendricks | Reta Palmer | Linda Thomas |
| Shonda Carney | Jerome Hennesy | Mirta Parodi de Fix | Tami Thomas |
| Amber Carothers | Lee Henry | Pilar Phillips | Kristi Thompson |
| Wessie Carroll | Ruben Hernandez | James Pitcock | Brandy Thurman |
| DeDondra Carson | Viki Hesser | Lucille Pitt | Myrna Townsend |
| Kim Caskey | Wanda Holding | Guadalupe Porras | Demetra Triggs |
| Lonnie Chastain | Jordan Holland | Shannon Portillo | Michael Tucker |
| Anthony Clayton | Rick Huckleberry | Billy Ragan | Bill Turner |
| Debra Cole | Bridgett Hunt | Kim Rayno | Curtis Undaunted |
| Rhonda Collins | Jeffrey Hunter | Michael Reano | Thomas Uzegbunem |
| Shannon Combs | Deborah Iglehart | Brenda Rentie | Sherry Vaught |
| Sherri Comstock | Mary Jacob | Carrie Reynolds | Cindy Walker |
| Ryan Criss | Robert Jagers | Darrin Rikken | Sandra Wall |
| Negilla Crowder | Christy Johnson | Anna Ring | Shannon Wallace |
| Candida Culver | Ronald Johnson | Phyllis Roach | Sharon Watson |
| Sharon Davison | Betty Jones | Gregory Robertson | Craig Westmoreland |
| Jamie DeGeorge | Dina Kamm | Tauheedah Robison | Taylor Wigley |
| Elizabeth Dennison | Marietta Keith | Glenn Ronning | Ava Williams |
| Catherine Diffin | Patricia Kelly | Lori Rose | Kimberly Williams |
| Robert Doke | Jacqueline Kennedy | Teresa Russell | Dianna Wilson |
| Cheryl Donaldson | Divene Kilmer | Laura Salazar | Heather Wilson |
| Marni Dowell | David Kinzer | Rhonda Salter | Linda Woodruff |
| Gary Dowler | Sherry Kueffler | Eleanor Scheib | Nathan Worden |
| Patricia Dowler | Michael Lambert | Tom Schoenrock | KaShondra Young-Buckner |
| Chriss DuPont | Dana Lee | Robert Serшон | Phillip Zearley |
| | Patricia Little | Donna Sheehan | |

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

- | | | | | |
|--------------|----------------|--------------|--------------|-----------------|
| James Bean | Tommy Casey | Nelda Farrow | Linda Monroe | Gerald Parsons |
| Denise Bowie | Alesia Clement | Joe Hicks | Gail Noblin | Sharon Strattis |
| Kay Brooks | Beverly Denton | Larry Lawson | Gene Parsons | Jo Sykes |
| | Vicki Duff | Tammy Lee | | |



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Weather Doesn't Dampen Public Service Celebration

It takes much more than a blustery day to keep OPEA members from having some lunch-time fun at the Capitol. Scheduled to celebrate Public Service Recognition Week, the annual event brought some 500 state employees out on the lawn between the Will Rogers and Sequoyah Buildings for some fun, food and prizes May 15.

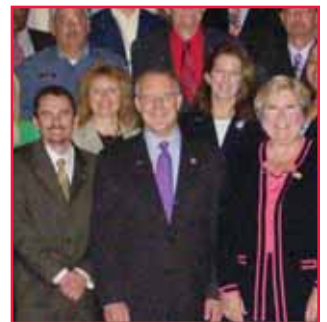
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OPEA, Governor Celebrate Market Pay Plan Study

Oklahoma Gov. Brad Henry, Lt. Gov. Jari Askins and OPEA members and staff paused May 8 for a photo opportunity celebrating the chief executive's recent order creating a market pay plan study for state employees.

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The Advocate

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Bloomberg's Speech Applies To OPEA

New York City Mayor Michael Bloomberg was this year's speaker at the University of Oklahoma graduation and, while his remarks were aimed at those just starting their professional lives, they really ring true to state employees and to OPEA as well.

Moore Comments
By Billy Moore • OPEA President

"No single person has all the skills to solve all the problems. Get rid of 'I' and 'me' in your thoughts and replace them with 'we' and 'us.'"

Here are some highlights:



"Your job should be something that will teach, humble and exhilarate."

We know that days are long, pay-checks are thin and sometimes it seems there is no light at the end of the tunnel. However, we must remember that there is no higher calling than being a public servant. Our clients, patients and other taxpayers rely on us to make their lives better. As an instructor for new DOC cadets, I try to learn something new from every class I teach.

"Stick to the facts and be honest in your questions and answers."

While this seems pretty simple, it's a very important message. Bloomberg also adds that "This is the way to effectively communicate and win arguments, but, even if you lose, your conduct will gain you respect."

Wow. OPEA is returning to the chapter system—you'll read more about it in other *Advocate* articles. I wholeheartedly endorse this concept. We have to get back to grass-roots efforts to show what state employees can accomplish when they are organized and active. You probably know that 95 percent of all classroom teachers belong to the Oklahoma Education Association, and only 25 percent of state employees belong to OPEA. If you are a legislator, who are you going to listen to?

I can't wait to see the great things that are going to happen with OPEA this year. I feel we have momentum, an energized staff and members who are really interested in improving their workplace and pay issues. And one more thing: A great place to experience all the positives this organization has to offer is at our annual Convention, scheduled for Aug. 25 in Oklahoma City. I think you'll like what you see. Mark your calendars now.

"You probably know that 95 percent of all classroom teachers belong to the Oklahoma Education Association, and only 25 percent of state employees belong to OPEA."

All I Know About Politics I Learned In Kindergarten

While I have been strongly involved in Oklahoma politics most of my life, both as a private citizen and as a 23-year state employee, I felt when I took the executive director's job at OPEA that I would

Frontlines
By Sterling Zearley
OPEA Executive Director

work with all of our elected officials to see that our needs are met, whether a donkey or an elephant sits on their desk. We have to play well with others.



have the necessary political prowess to negotiate public employee issues.

Little did I know that the skills I needed were no different from those I used on the playground in Poteau, Okla.

Just think: When it comes to state politics, all the ingredients of a schoolyard are there. You have bullies and tattle tales; wannabes and spoiled brats; cliques and loners; quiz kids; and, I'm afraid to say, dunces.

And then, come to think of it, there is always enough corporal punishment to go around.

Kidding aside, this is a new political day for OPEA, one that is results-oriented instead of party-affiliated. We have to

I was reminded this session that there is safety in numbers. Sometimes I wonder if state employees realize just how powerful they can be when they are united. Speaking with a loud, clear voice will get you noticed.

You'll read elsewhere in *The Advocate* that chapters are starting to re-form across the state. Now there's a great place to start.

It's clear right now, no pun intended, that we are not necessarily "teacher's pets" at the Capitol. Wait till next year.

Oh and yes, thanks, Mrs. Logan, for giving me Political Science 101 when I was 5 years old.

"You have bullies and tattle tales; wannabes and spoiled brats; cliques and loners; quiz kids; and, I'm afraid to say, dunces."

Our Strength Is Our Independence

By OPEA Deputy Director Scott Barger

While it is the partisan politics between Republicans and Democrats that merits attention in the national media, a new trend is growing in the state of New Hampshire, where independent voters now are making themselves heard.

Consider that in 1980, as the Ronald Reagan era was beginning, New Hampshire was a solidly conservative Republican state. A number of things have changed since then. Now membership in the Republican Party is declining, while Democratic membership is on the rise. This trend mimics the opposite migration from the Democratic Party to the Republican Party Oklahoma saw during the late 1990s and early 2000s.

But about 43 percent of New Hampshire residents consider themselves to be independents. Of those, about 70 percent say they will be voting in the Democratic primary this year, which means they have a huge opportunity to help select the next president of the United States. As a result, the Democratic candidates are playing to the independent voters of New Hampshire.

Compare this situation to what's happening in Oklahoma, where much attention is paid to teachers while state employees are ignored.

It is difficult to determine exactly who is for state employees and who isn't. Education has taken top priority because

teachers have demonstrated year after year that they are a strong, well-organized voting bloc. On the other hand, only 25 percent of all state employees are members of the Oklahoma Public Employees Association. You do the math.

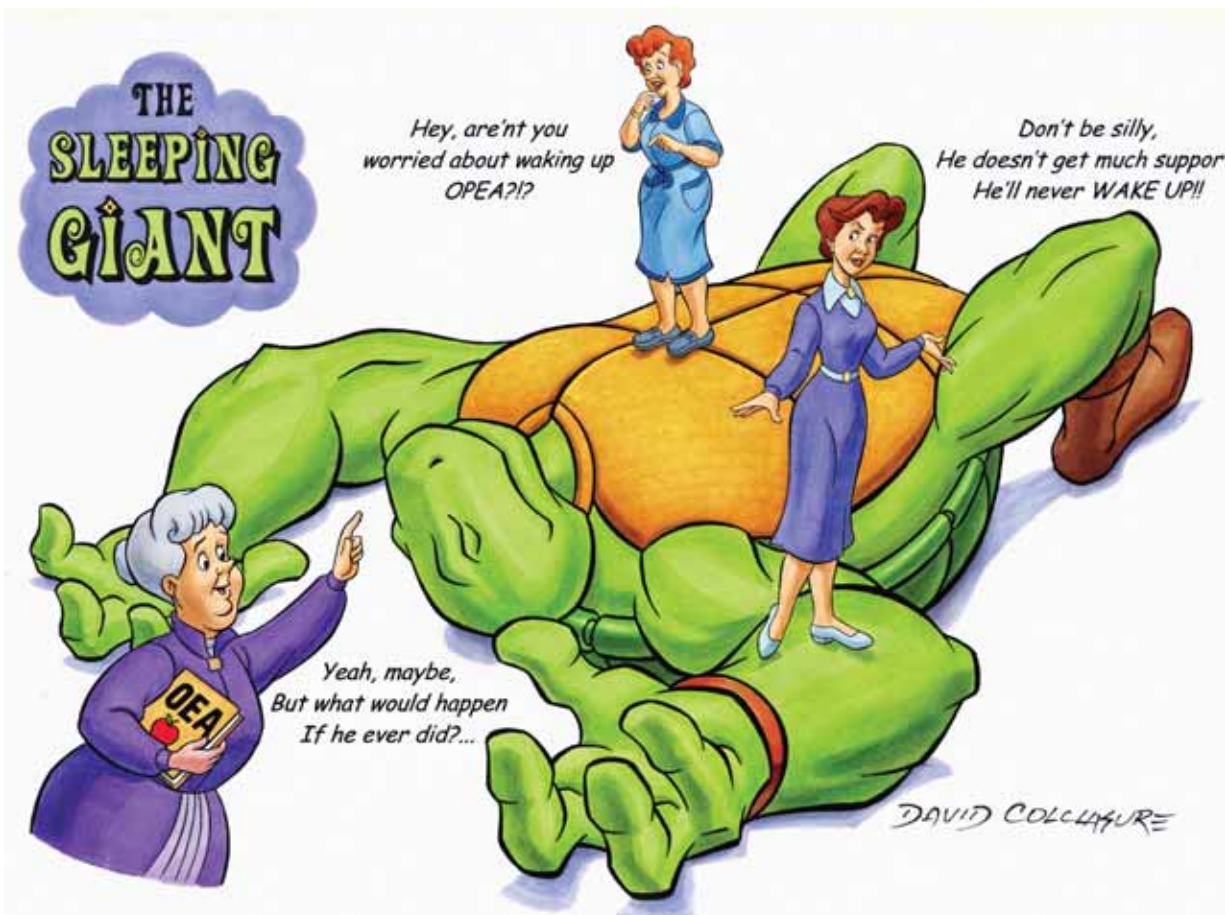
As a state employee, you can look at this situation in two ways. You can be happy with your pay and working conditions and do nothing, or you can become active in OPEA, encourage your co-workers to join the Association and form a local chapter that can influence local legislators. An investment of just a couple of hours a month can help form a brighter future for state employees, but you must act now. If you wait until the 2008 elections, state employees probably will be ignored again.

State employees in Oklahoma can make a serious difference. If we were politically organized in locations such as Ada and Hobart, we could have made a difference because the elections in these two areas came down to the wire. For instance, there are more than 300 state employees at the Oklahoma State Reformatory in Granite, located in a district where Sen. Tom Ivester won by 283 votes. And in Ada, a town with more than 1,000 state employees, Rep. Todd Thomsen needed a recount to win by only two votes.

State employees are in a position to become independent of both the Republicans and the Democrats and start voting in their own best interests. Opportunities like this don't come

along very often, but it remains to be seen if state employees will hear the message and take action. Like the New Hampshire voters, state employees in Oklahoma could assert themselves as a group with the power to decide many elections if we simply invest some time to build our chapters and become involved in the political process.

To talk with an OPEA staff member about forming a chapter, call (800) 880-6732 and ask for Dean Balmer, Tarajee Stevenson or Chris Alsobrooks.



OPEA Had Its Ups And Downs During 2007 Legislative Session

Promises made - promises broken - alliances formed - alliances dissolved - present disappointing - future bright.

All these scenarios and many more can be used to describe the 2007 legislative session from OPEA's perspective – a session that provided significant wins and disappointing setbacks.

With a motto, as well as an attitude, that said “Fighting For Change,” OPEA went into the legislative session armed with an aggressive agenda designed to provide better compensation and benefits for state employees while, at the same time, improving the state government work environment. Here's how things worked out for state employees.

State Employee Pay

“From the beginning of the session, we thought our program struck the balance very evenly between what was fair for state employees who had seen their paycheck shrink significantly in the market and a Legislature and governor who last year offered a 5 percent increase to make a stab at this lost purchasing power,” said OPEA Executive Director Sterling Zearley. “While the platform asked for a \$2,500 across-the-board pay raise, it also included a pay plan study that would, over time, offer a plan to bring state employee pay up to market value, which worked very successfully for Oklahoma's classroom teachers.”

Zearley went on to say that while the \$2,500 pay raise wasn't included in any of the state budget proposals, an executive order from Gov. Brad Henry established the pay study. Work on the study will start immediately.

“This is perhaps our most significant win of the session,” Zearley said.

Responsibilities and duties of the task force will include:

- ✘ Review and analyze existing data and reports relating to state employees'

direct compensation; analysis should include the use of relevant market studies.

- ✘ Review state policies and practices relating to employee compensation.

- ✘ Identify positions that pose critical recruitment and retention concerns for the state.

- ✘ Review existing data and reports relating to state employee benefits and determine the feasibility of performing a benefit value study of state employee benefits.

- ✘ Develop strategies to assure that critical recruitment and retention issues are addressed and that state employee pay is competitive with the external market on an ongoing, long-term basis.

Serving on the panel will be the administrator of the Office of Personnel Management, the director of the Office of State Finance, the director of the Department of Human Services, the director of the Department of Corrections, the executive director of the largest organization representing state employees and four senior-level executives from the private sector, one of which will be designated by the governor to serve as chair of the task force.

“OPEA members should be thrilled that their Association has a seat at this table,” Zearley said. “They should also be excited that the committee will include members of the private sector, a group that may not be familiar with the critical services performed every day by state employees.”

Zearley cautioned that while the creation of the task force can be compared with climbing Mount Everest, it is just the beginning of a process for which all state employees will need to become involved.

“By creating a deadline of Jan. 1, 2008, for the findings of the committee, Gov. Henry has given us plenty of time to educate our members, our lawmakers and the general public about its goals and missions,” he said. “For this review

board to change the perception of state employee pay, we will have to perform a strong grass-roots effort to see that its recommendations are implemented and fully funded.”

Retiree COLA

State employee retirees, hoping for a cost-of-living allowance in an off election year, were disappointed when frantic negotiations by OPEA failed to generate interest in a COLA among certain legislative leaders.

“This one is a real heartbreaker, especially when the money to make this happen was



already figured into the system and that no appropriated funds would have been necessary to make the lives of our retirees just a little better in this age of rising prices," Zearley said.

Zearley added that this was somewhat of a personal issue because it affects several family members and former employees.

"My mother, grandfather and many friends who worked for me at the Tourism Department are dependent on their retirement checks," he said. "We worked as hard on this issue as any this year, and are going to spend the time between now and next session trying break the logjam that was built to make this COLA happen only in election years."

Zearley said current retirees are not the only ones affected by this political maneuvering.

"Our whole membership should be watching this closely because, in the long run, it will affect them as well," he said.

Poverty Pay And Student Loan Reimbursement

Two of the Association's major platform issues, the education loan reimbursement and the poverty pay initiatives, were combined into one bill, which, after passing through both chambers, is at this writing await-

ing the governor's signature.

Beginning as HB 2077, by Rep. Mike Jackson of Enid, the education measure allows state agencies to pay up to \$5,000 per year toward student loans of state employees. The program, which is voluntary for the agencies, is capped at \$15,000 for each participating employee.

"This is a critical measure for the retention and recruitment of state employees," Zearley said.

The measure includes a promise by state lawmakers that no public employee should ever work at a salary below the national poverty index.

"Believe it or not, right now there are state employees making less than the \$17,100 for a family of three that defines poverty in this country," Zearley said. "The leadership teams of both the House and the Senate heard our argument and have indexed this measure so that state employees will never fall below this level and that in future years the minimum will increase."

(Note: HB 1114 has been signed into law by Gov. Brad Henry.)

Rule Of 80

OPEA's legislation reinstating the retirement Rule of 80 for state employees passed the first hurdle of a two-year process during the last week of the session.

"State employees should be proud of OPEA's efforts to pass the Rule of 80," said Zearley. "We were fortunate to have legislative friends on the committee who pushed the bill through – especially Sen. Cliff Aldridge, R-Midwest City, who cast the vote that allowed the bill to move on."

During the last session, the Legislature passed a law establishing a two-year process for bills that have potential financial impact on a state retirement system. The process requires the legislation to be introduced in the first year, reviewed by a legislative committee for referral to an actuary, studied by the actuary during the interim and placed on the agenda for the following legislative session.

The Rule of 80 legislation was one

of four bills allowed a hearing this year. Of the four, only two progressed to the next step.

"Our Rule of 80 measure is being sent to the actuary during the interim," Zearley explained. "State employees should be visiting with their legislators now to prepare for the final passage next session."

Preventive Measures

One of OPEA's most important jobs during the legislative session is preventing legislation that could be harmful to state employees. During the 2007 session, retaining the state employee benefit allowance was a key goal for OPEA, according to Zearley.

Legislation passed by OPEA in 2001 tied the state employee benefit allowance to the cost of health insurance. The benefit allowance is the average of the high option plans plus life, dental and disability for state employees and 75 percent of dependent health insurance costs, if employees elect to cover their dependents.

"Most state employees receive a few extra dollars in their paycheck from the benefit allowance," said Zearley. "This is not excess, as it has been described, but money critical to affording the out-of-pocket expenses. State employees must let their legislators know how important their health insurance benefit is to their families."

Another issue OPEA took aim at was an effort to move a large classification of state employees into the unclassified service. At the beginning of the session, legislation was introduced to unclassify almost 200 child support enforcement specialists. At OPEA's request, the bill did not move through the process.

Agencies

While lawmakers did not cut the state employee benefit allowance, they also did not provide agencies with funding to cover the \$74-million rise in health insurance costs. In addition, OPERS' employer

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Ups And Downs (Continued From Page 7)

contribution will increase by 1 percent, or \$10 million. This \$84-million expense will strain already tight agency budgets.

“Agency budgets still haven’t recovered from the funding shortfalls earlier in the decade,” said Zearley. “The Legislature continues to add new programs without funding the core services of state government.”

According to Zearley, some agencies are suffering more than others.

“DOC was underfunded by \$70 million, with additional offenders entering the system daily and no spare beds,” he said. “The Office of Juvenile Affairs does not have the case managers and therapists needed to reform troubled youth. And while more people are being added to Medicaid eligibility and food stamp caseloads, no new staff has been added at DHS.”

Zearley mentioned that while state employees are being

asked to do less with more because of severe staffing shortages, there also are other needs in state government.

“Currently, state agency buildings have more than \$200 million in critical deferred maintenance that has not been funded,” he said.

“DOC was underfunded by \$70 million, with additional offenders entering the system daily and no spare beds. The Office of Juvenile Affairs does not have the case managers and therapists needed to reform troubled youth. And while more people are being added to Medicaid eligibility and food stamp caseloads, no new staff has been added at DHS.”

– OPEA Executive Director Sterling Zearley

Conclusion

“This year we tried to do things a little differently at the Capitol,” Zearley said. “We played a bipartisan game that we feel like will pay off in years to come.”

Zearley said that with the legislative session over, it is time for OPEA to focus on its membership.

“This is an Association built on grass-roots efforts,” he said. “Over the summer our entire staff will be out in the field, meeting with legislators, members and non-members so that, when next year’s session rolls around, our lawmakers know that OPEA is a serious organization with big dreams for the working people of the state of Oklahoma.”

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OPEA Platform Is On The Delegate Assembly Agenda

With the 2007 legislative session over, it's time to start preparing for next year. As a grass-roots membership organization, OPEA's work for the legislative session begins during the previous summer with the development of the Platform, which is set at the Delegate Assembly.

"The legislation that OPEA sponsors originates with members and retirees," said OPEA Platform Chair Jann Ensz. "Examples from this year are the education loan and poverty pay bills. They were both sent by members who participated in the platform process for the first time last year. Their ideas were put into HB 1114, which was recently signed into law by the governor."

The OPEA 2007-2008 Platform will carry over to next year. However, members can amend the Platform by sending amendments for consideration by the Delegate Assembly.

To submit a platform plank for consideration, members should fill out the Platform Amendment Form on page 10 and submit it to the OPEA office by Aug. 13. This gives the OPEA staff a week to research proposals before the Platform Committee meets on Aug. 18 to put together the final version of the proposed Platform. Be certain to include contact information so that the staff can follow up for clarification.

"In our meeting we often combine planks that are similar and review the entire Platform for consistency," said Ensz. "Amendments can be presented on the floor of the Delegate Assembly with the signatures of 10 members in attendance. However, if they are sent in early we can be prepared for questions that might arise."

If you have any questions about a proposal or the process, contact OPEA Policy and Research Director Trish Frazier at trishf@opea.org or (405) 524-6764.

OPEA's 2007-2008 Platform

Compensation

1. OPEA will pass legislation that establishes a four-year compensation plan to bring state employee pay to market. Market pay should also include:

- ✘ Overtime pay;
- ✘ Shift differential;
- ✘ Hazardous duty pay;
- ✘ Uniform allowances;
- ✘ Holiday pay.

- *Accomplished by the executive order on state employee compensation signed by Gov. Brad Henry.*

2. OPEA will pass legislation that establishes a cost-of-living adjustment according to the Consumer Price Index - *Will be included in the executive order on state employee compensation signed by Gov. Brad Henry.*

3. OPEA will work for pay equity in job classifications across agency lines - *Will be included in the executive order on state employee compensation signed by Gov. Brad Henry.*

4. OPEA will pass legislation allowing state agencies to pay education loan assistance for permanent state employees who have completed a four-year degree and have outstanding education loans - *Accomplished in HB 1114, which has been signed into law.*

5. OPEA will pass legislation raising the base pay for state employees so that all who work for the state receive a living wage - *Accomplished in HB 1114, which has been signed into law.*

6. OPEA will work with the Office of State Finance to convert state employees to a bimonthly pay schedule, providing the transition does not include a pay lapse that adversely impacts participants.

7. OPEA will work with the Office of State Finance and the Office of Personnel Management to change payroll policies so that employees will not be forced to bank annual leave in order to receive their paychecks on time.

8. OPEA will work for funding of the state performance pay system - *Will be included in the executive order on state employee compensation signed by Gov. Brad Henry.*

9. OPEA will work for a community review of salaries of nursing, medical staff and ancillary staff for employees working in state operated medical/long-term-care settings to ensure that pay rates are within at least 5 percent of the average salaries paid in the community - *Will be included in the executive order on state employee compensation signed by the governor.*

10. OPEA will work for a pay raise tied to the consumer price index (CPI), with a base increase of \$2,500.

Retirement

11. OPEA will support the Oklahoma Public Employees Retirement System, Teachers Retirement System and Oklahoma Law Enforcement Retirement System continuing as defined benefit plans.

(Continued On Page 10)

OPEA's 2007-2008 Platform

12. OPEA will pass legislation refunding the excess contribution of retirees who retired prior to July 1, 1998.

13. OPEA will pass legislation providing a 2-percent annual cost-of-living adjustment (COLA) for OPERS retirees.

14. OPEA will investigate finding other revenue sources to help fund the OPERS system.

15. OPEA will pass legislation returning all state employees to the Rule of 80.

Insurance

16. OPEA will work to maintain the state commitment of paying the total cost of health, basic life and dental insurance for state employees and 75 percent of health insurance costs for dependents.

17. OPEA will study the impact to the Oklahoma State and Education Employees Group Insurance Board (OSEEGIB) and Oklahoma Public Employees Retirement System (OPERS) of allowing retirees a one-time opt-in to the state insurance program at Medicare eligibility.

18. OPEA will work to increase the retiree insurance subsidy.

19. OPEA will investigate making mail-order prescriptions available to state employees.

20. OPEA will research and promote a plan that will allow retirees to pay health care costs with pre-tax dollars.

21. OPEA will support legislation that allows military retirees to opt out of health insurance but receive the benefit allowance to pay for out-of-pocket expenses.

Budget

22. OPEA will work to obtain funding for increases in operations of state agencies, including retirement and insurance benefits, fuel and equipment costs.

23. OPEA will work in the legislative process to obtain additional funding for agencies with staffing shortages and high caseloads.

24. OPEA will continue to fight TABOR and other expenditure constraints that limit resources to state government.

Personnel

25. OPEA will work to stop the erosion of the merit system by fighting the unclassifying of positions that do not meet the criteria of unique work activity, market conditions and spe-

cialization. In addition, the Association will work to reclassify positions that have been removed from the merit system and do not meet the criteria - *OPEA stopped the legislation to unclassify child support enforcement employees.*

Privatization

26. OPEA will continue to oppose the privatization of state agencies, functions and jobs.

OPEA Operations

27. OPEA will appoint a committee of past and current leaders to propose Bylaws changes including but not limited to:

- ✘ Term limits for members of the Board of Directors;
- ✘ Proxy voting at meetings of the Board of Directors.

At the Delegate Assembly, OPEA members will vote on recommendations from the Bylaws Task Force, which has been working on this project since the 2006 Delegate Assembly.



Platform Amendment Form

Name _____

E-mail address _____

Daytime phone _____

Signature _____

Amend Plank Number _____

New plank

Specific language proposed _____


Send completed form by Aug. 13, 2007, to:
Trish Frazier • OPEA Policy and Research Director
13 N.E. 28th St. • Oklahoma City, Okla. 73105 • Fax: (405) 524-4671

ADA And FMLA 101

"In order that people may be happy in their work, these three things are needed: They must be fit for it. They must not do too much of it. And they must have a sense of success in it."

Burden Of Proof

By Melinda Alizadeh-Fard
OPEA General Counsel



John Ruskin was speaking as an art critic and a poet when he said this, but it has practical implications for this column's topic concerning two acts dealing with individuals in the workplace. Both the Americans with Disabilities Act (ADA) and the Family Medical Leave Act (FMLA) concern medical issues and leave and often overlap, so it may be easy to assume they are basically the same. That is not always the case. These two laws are not duplicative, though they might both be applicable at the same time. This article will provide you with a brief comparison of the two.

The focus of the ADA, enacted almost 17 years ago, is to enable a person with a disability to work by prohibiting discrimination and requiring covered employers to provide reasonable accommodations for disabled workers to allow them to perform their jobs. The FMLA, on the other hand, was fully implemented in 1995 and provides certain job protections when an employee is unable to work due to covered family situations or a serious health condition by providing for limited leave from work without fear of not having a job to return to.

The Equal Employment Opportunity Commission (EEOC) provides a wealth of information at the agency's Web site regarding both these programs. ADA-specific information can be found at www.eeoc.gov/types/ada.html and a comparison of the two ACTS is at www.eeoc.gov/policy/docs/fmla-ada.html. Information concerning the FMLA, which is enforced by the Department of Labor, can be found at www.dol.gov/esa/whd/fmla.

The ADA protects from discrimination individuals whose disability disrupts a major life activity. While some disabilities may seem to be obvious, others are not as apparent, including hearing impairments and

mental health issues, which can have an enormous impact on the people who suffer from them. Under the ADA, employers can expect a disabled worker to perform the essential functions of a job but also must make reasonable accommodations to enable the worker to do so. A disabled worker may be relieved of many duties that are not considered critical or essential to the specific job they perform.

The FMLA applies to employers who have 50 or more employees and certain other specified entities. If you are a state employee, you work for a covered employer. To benefit from the provisions of the FMLA, an employee must have been employed for at least 12 months and have worked 1,250 hours during the latest 12 months. An eligible employee is entitled to take off up to 12 work weeks in any 12-month period for a serious health condition, for the birth or adoption of a child or to care for a family member. A husband and wife working for the same employer must split the 12 weeks if they both need to take off.

The two laws often overlap when an employee is protected by the FMLA because of a serious health problem, then returns to work with limitations or restrictions. If the restrictions are considered to affect a major life activity, the provisions of the ADA might kick in. As an employee, it is important for you to know that you can benefit from either or both of these laws and thereby protect your ability to work and earn a living. It is equally important for an employer to know if they have an obligation to the employee. There are substantial penalties for denying worker rights under either law, even if that denial is the result of a misunderstanding.

I will address each of these laws separately and in more detail in upcoming issues of *The Advocate*.



Weather Doesn't Dampen OPEA's Public Service Week Celebration



It takes much more than a blustery day to keep OPEA members from having some lunch-time fun at the Capitol.

Scheduled to celebrate Public Service Recognition Week, the annual event brought some 500 state employees out on the lawn between the Will Rogers and Sequoyah Buildings for some fun, food and prizes May 15.

"While the weather didn't cooperate like we hoped it would, I don't think you'll find one disappointed person at this event," OPEA Executive Director Sterling Zearley said.

According to Zearley, part of the event's success came from the participation of vendors such as the Oklahoma Employees Credit Union, SoonerSave, Oklahoma Physicians Group and the Oklahoma State and Education Employees Group Insurance Board.

"We would also like to thank the Oklahoma Tourism and Recreation Department, the Tinseltown Theater and the Oklahoma RedHawks for supplying our door prizes," Zearley commented.

Zearley also mentioned that the event sported a great turnout by state government leaders, including Reps. Scott BigHorse, Mike Brown, John Auffet, Wallace Collins, Al Lindley, Al McAffrey, Paul Roan, Mike Shelton, Richard Morrissette, Ken Luttrell and Anastasia Pittman.

"This was a time for all of us to take a step back and admire the work these Oklahomans perform every day on behalf of their fellow citizens," Zearley said.



Left: Rep. John Auffet and OPEA Deputy Director Scott Barger.



Right: Reps. Mike Brown and Scott BigHorse.



Above: Vendors from the Oklahoma Employees Credit Union with OPEA Membership Director Dean Balmer. Below: Membership Representatives Tarajee Stevenson and Chris Alsobrooks help dish out the pizza. Right: OPEA Board member Tricia Parker discusses health insurance-related issues. Below right: Balmer hands out door prizes.



OPEA Meets With Members And Legislators In Enid

OPEA members and staff and several legislators met May 11 at the Northern Oklahoma Resource Center in Enid, a Department of Human Services facility, for a luncheon that featured spirited exchanges and up-to-date news on the state budget and other legislation.

The meeting was arranged by OPEA Board member Jann Ensz and attended by OPEA staff members Sterling Zearley, Bud Elder and Tarajee Stevenson, as well as State Reps. John Enns and Mike Jackson and State Sen. Patrick Anderson.

Zearley opened the meeting with a brief update on the latest news from the Capitol from OPEA's perspective.

"OPEA is slowly but surely gaining a new-found respect at the state Capitol," Zearley said. "We have made it clear that it is an all-new day within this organization, one that is bipartisan in nature."

Zearley went on to say that it had been a busy week for OPEA, with two more to go before the end of the session.



Jackson, who authored HB 2077, was greeted warmly by the crowd. HB 2077, which is aimed at recruiting and retaining state employees, would help pay student loans for state workers. He spoke on several issues.

"I am very proud of HB 2077, and I have three of the five members of my committee on board to support its final pas-



Enns, who is in his first term, was the first legislator to speak. He reviewed recent history with OPEA members.

"We (House Republicans) thought we passed an excellent budget, which, of course, was then vetoed by the governor," he said. "I firmly feel that with two weeks left in the session, we will make an attempt to override the vetoes."

Jackson, who

sage," he said. "I have a high level of confidence that this will become law."

He also mentioned that much credit for the success of the bill should go to OPEA Deputy Director Scott Barger.

On teachers' pay raises, he said: "Few people know that a starting teacher in Oklahoma makes some \$31,000, and now the governor wants to give them even more, while state employees are not even close to that number."

Anderson, who chairs the Human Services Appropriation Subcommittee, brought handouts that offered breaking news – his committee's latest budget as well as copies of Gov. Brad Henry's original budget.

"You'll see very clearly that my budget gives DHS at 24 percent increase, up from the 8 percent increase contained in Gov. Henry's figures," he said.

Anderson said he hoped the budget process would be completed within a few weeks.

"I don't believe anyone wants a special ses-

sion," he said.

After the legislators spoke, they responded to questions from the approximately 50 OPEA members in attendance, on topics ranging from pay raises to current problems within DHS.

Ensz was especially pleased with both the turnout and candor shown by the legislators.

"I want to thank these gentlemen for taking the time out of their day to come meet with us to discuss these issues," she said. "NORCE is very lucky to be represented by men of this caliber."



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.

OPEA, Governor Celebrate Market Pay Plan Study

Oklahoma Gov. Brad Henry, Lt. Gov. Jari Askins and OPEA members and staff paused May 8 for a photo opportunity celebrating the chief executive's recent order creating a market pay plan study for state employees.

"Today marks the beginning of a wonderful chapter for those who have devoted their professional lives

"Because of Gov. Henry's vision and steadfastness, we are going to finally have some answers regarding state employee pay and where it ranks with similar positions in the private sector."

– **OPEA Executive Director Sterling Zearley**

in service to the people of Oklahoma," said OPEA Executive Director Sterling Zearley. "Because of Gov. Henry's vision and steadfastness, we are going to finally have some answers regarding state employee pay and where it ranks with similar positions in the private sector."

According to Zearley, the committee that will study state employee pay is currently being formed. Its members will include a combination of public and private sector leaders.

"Our members should be very pleased that as this was OPEA's idea in the first place, we will have a place on this committee," Zearley said.



Among those present when Gov. Brad Henry and OPEA marked the chief executive's order creating a market play plan study for state employees were, left to right: fourth row: Thomas Kalayilparampil; Daniel Chanlender; Bob Zapffe, OPEAPAC trustee; OPEA Board member Tom McDonald; and Mark Bonge. Third row: OPEA Board member Darren Francis; OPEA Board member Glen Coleman; OPEA Board member Glenn Hightower; and OPEA Membership Director Dean Balmer. Second row: Margot Banner; Diane Hazer Bennett; Stephanie Bond; OPEA Membership Representatives Chris Alsobrooks and Tarajee Stevenson; and OPEA Board member Forrest Rush. Front row: Adena Alvis; OPEA Legal Counsel Melinda Alizadeh-Fard; OPEA Executive Director Sterling Zearley; Gov. Brad Henry; Lt. Gov. Jari Askins; OPEA Deputy Director Scott Barger; OPEA Policy and Agency Relations Director Trish Frazier; and George Johnson Jr.

Zearley also pointed out that there was no better time to announce the plan than during Public Service Recognition Week in Oklahoma.

"We want to again publicly thank Gov. Henry and Lt. Gov. Askins for their leadership on this important issue for our membership and for all state employees," he said.

Who Are You Going To Call?

OPEA members only may call the OPEA office for ...

Executive Director:
Sterling Zearley



Political Action:
Scott Barger,
Deputy Director



Schedule A Meeting:
Dean Balmer,
Membership Director



General Information:
Rachelle Johnson,
Administrative Assistant



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



Communications Information:
Bud Elder,
Communications Director



Schedule A Meeting:
Chris Alsobrooks,
Membership Representative



Joining OPEA: Nancy Hughes or
Rachelle Johnson

Agency Information:
Trish Frazier, Policy and
Agency Relations Director



Legislation Information:
Nancy Hughes,
Executive Assistant



Schedule A Meeting:
Tarajee Stevenson,
Membership Representative



(405) 524-6764
(800) 880-OPEA (6732)
www.opea.org
13 N.E. 28th St.
Oklahoma City, OK 73105

Getting Back To Our Roots

By Dean Balmer
OPEA Membership Director

Your Oklahoma Public Employees Association posted some significant victories during the recently-completed legislative session.

Thanks to the efforts of new OPEA Executive Director Sterling Zearley and Deputy Director Scott Barger, state employees who were previously paid a salary below the national poverty level will now be raised to the poverty minimum. This measure also mandates that no state employee will ever be paid less than the federal government minimums in the future.

OPEA was also successful in passing a bill that will allow state agencies to reimburse state employees up to \$5,000 per

As a former chapter president, I remember meetings held in Lexington with Sen. Cal Hobson and Rep. Danny Hilliard that proved vital for some of the bills that were passed for state employees. I also remember that we sometimes expressed disappointment at not receiving the support we felt our legislators should have provided. After all, we were instrumental in putting them in office in the first place.



Balmer

I remember Hobson telling me: "Dean, unite your people together and you can accomplish anything. There is nothing more powerful than the people when they are united for a cause."

Hobson's words ring true. Remember rally after rally, when our united voices were heard?

It's time to get back to the roots of this Association. Sitting around whining about what benefits the teachers received will not fix the situation or make state employees a higher priority at the state Capitol. The way to get it done is by becoming a priority to those we put into office at the local level.

As membership director, I am spearheading a movement to revive our chapter system. Those of you who once played a key role in our local chapters know just how important they can be. Those of you who haven't must realize that local chapters are a crucial link from OPEA's storied past to its successful future.

Over the next several months, I will be drafting a plan to initiate this vital component of our Association. Please let me know if you are interested in providing input.

"As membership director, I am spearheading a movement to revive our chapter system. Those of you who once played a key role in our local chapters know just how important they can be. Those of you who haven't must realize that local chapters are a crucial link from OPEA's storied past to its successful future."

year toward student loans, with a cap of \$15,000. Perhaps the most significant victory of the session was the OPEA-sponsored state employee pay market study, established by an executive order from Gov. Brad Henry. OPEA will participate in the study, which is similar to one done for state teachers

that resulted in more than \$5,000 in pay raises over the past three years. The study must be completed by January 2008, before the next legislative session.

While these are important wins for state employees, we should have received more from the Legislature—much more. Our lawmakers did not address crucial pay raises or even minimal cost-of-living adjustments for our retirees. Once again, when push came to shove, teachers got what they wanted while state employees were left holding the bag. Why? The answer is simple: our lack of involvement with our elected officials.

So how do we get the participation we need from state employees to really change things in state government? The most important aspect of any solution is accountability. We must first identify who is controlling the situation – the legislators – and who has influence with the controllers – their voters.

A few years ago, OPEA moved away from what many considered the backbone of our Association: the chapters. Local chapters gave members the opportunity to meet with their legislators on a regular basis to discuss issues that are important to state employees. Then, during the session, legislators would promote their constituents' issues. Lawmakers were held accountable during follow-up meetings when the session was over.



Matching Funds

Billy Moore, president of the Oklahoma Public Employees Association, recently presented a \$250 check to Michael Dean, a correctional officer at Joseph Harp Correctional Center. Dean ran in a March of Dimes race, and OPEA matched the funds raised by the staff at the Correctional Training Academy.

P & P Investigators Lobby At The State Capitol

Pardon and Parole investigators from across Oklahoma stressed the importance of fully funding their agency's proposed budget when they met at the state Capitol May 10 for their annual Lobby Day.

Several legislators addressed the group, including State Sen. Kenneth Corn and State Rep. Gus Blackwell.



Rep. Gus Blackwell talks with Pardon and Parole investigators.

Corn voiced his support for Pardon and Parole's funding needs and said he would make them a priority, while Blackwell reassured the group that he would discuss the issue with Rep. Chris Bengé, who chairs the Appropriations Committee. Blackwell also asked the investigators what they thought of taking the politics out of the parole

process. OPEA Council Chair Bill Malone replied that this option should be considered, adding that having former investigators on the Board would improve the system.

OPEA Membership Director Dean Balmer reminded both legislators that two years ago, they increased the salaries of investigators to bring them more in line with Department of Corrections case managers. Last year, DOC received two salary adjustments, but Pardon and Parole investigators got only the 5 percent increase granted to all state employees.

OPEA and its P and P members will continue to address this pay issue until it is resolved, Balmer said.



Sen. Kenneth Corn discusses issues with Pardon and Parole investigators.

OPEA Rep Visits Payne County DHS

OPEA Membership Representative Chris Alsobrooks recently had the opportunity to meet with 20 OPEA members and other employees at the Payne County DHS office.

Chris explained and reviewed the current OPEA Legislative Agenda, pointing out which bills were still being considered by the Legislature. She encouraged members to call their legislators to ensure that the opinions of state employees were being heard at the Capitol.

Chris also discussed the importance of membership participation. Of the 20 employees present at the meeting, eight were not yet members of OPEA, but, at the close of the meeting, those eight state employees enthusiastically turned in their OPEA enrollment forms.

Payne County DHS now has a total of 36 OPEA members.



New OPEA members at the Payne County DHS office include Donna Sheehan, Sherri Comstock, Michael Tucker, Brandy Thurman, Carrie Smith, Karen Solis, Cindy Miller and Teresa Hendricks.



OPEA Picks Up New Members At Caddo Health Department

Employees at the Caddo County Health Department, inspired by OPEA's legislative success, took a major step in the right direction May 22. After hearing from OPEA Membership Representative Tarajee Stevenson, many of them joined OPEA. The nurses and staff were very interested in OPEA's Legislative Platform and eager to participate in the Association's efforts to obtain better compensation, benefits and a secure

retirement for state employees. They realized that strength in numbers will help OPEA thrive.

Above: Carla Austin and Maria Morales complete registration while other Caddo County workers look on. Right: New OPEA members Amber Smith, Christy Johnson and Sandra Stinson review *The Advocate*.



OPEA'S PROPOSED BYLAWS REVISIONS • 2007 DELEGATE ASSEMBLY

The OPEA Bylaws will be discussed and possibly revised at the Delegate Assembly on Aug. 25, 2007.

The 2006 Delegate Assembly requested that the 2007 annual meeting be designated as a bylaws assembly to discuss changes in OPEA's foundational document. The Board of Directors appointed a Bylaws Task Force to review the bylaws and make recommendations to the 2007 Delegate Assembly.

The Task Force has been meeting regularly since January and has completed its work. Serving on the Task Force are Chair, Mark Collum, Department of Human Services; Dixie Jackson, Department of Mental Health and Substance Abuse Services; Steve Paris, Oklahoma Center for the Advancement of Science and Technology; Bob Zapffe, Department of Corrections; Dana Webb, State and Education Employees Group Insurance Board; Richard Deatherage, Tax Commission; Betty Weber, Department of Health; and Glenn Hightower, Retirees Council. Assisting the group were OPEA Policy and Research Director Trish Frazier and General Council Melinda Alizadeh-Fard.

"Members of the Task Force have spent many hours on Saturdays discussing issues and carefully crafting each word," said OPEA Executive Director Sterling Zearley. "The membership consisted of three past presidents, former council and chapter officers and long-term members of the Association."

The Task Force began its project by identifying issues that should

be reviewed. Some of the more recurring issues were: composition, qualifications and terms of board members; role of the Executive Director; financial and audit procedures; and provisions for coalitions and affiliations. The issue mentioned the most was the basic structure of OPEA – Council vs. Chapter.

Before 2003, OPEA's structure was geographically-based, with local chapters comprised of employees from various agencies in the community. Chapters came together in district councils and elected board members from their membership. Currently, OPEA membership is divided into agency-specific councils which represent employees from across the state in a specific agency or group of smaller agencies. Members in a council elect board members from the agency.

The Task Force recommendations are in three sections, to be effective Jan. 1, 2008. The sections are:

✘ **Structure** - which change the structure of OPEA to geographical districts instead of agency councils. (Articles VI and VII) If this section is adopted, OPEA will change to geographical districts.

✘ **Administrative and Operations** - including improvements to financial and administrative accountability and the latest best practices in non-profit management.

✘ **Clean-up Language** - this section is clean-up language to be adopted if the task force recommendation to change OPEA's structure to geographical districts is not adopted and the current Articles VI and VII are retained.

Thanks to Trish Frazier for all her hard work in putting together this document.

Bylaws Recommendation 1: Changing to Geographical Districts

This recommendation changes the structure of OPEA from councils to geographical districts. If this recommendation is adopted, the OPEA Board will be elected from geographical districts which include members from all agencies. This proposal is substantially the same as the prior Bylaws in effect until Jan. 1, 2003. The recommendation is to replace Articles VI and VII in the OPEA Bylaws with the following language:

ARTICLE VI - DISTRICT ORGANIZATION

Section 1 - General

The Board shall determine the geographical boundaries for each District so as to ensure fair, equitable and reasonable representation on the Board. Retiree members shall be entitled to at least one at-large district.

Section 2 - District Directors

Each District shall be entitled to elect at least one Director, who shall serve a two year term on the Board. The term of office shall commence on the first day of the January. Elections for odd-numbered Districts shall be held in odd-numbered years and elections for even-numbered Districts shall be held in even-numbered years. With the exception of the elections following the adoption of these bylaws, which shall be

for each District. Any Active member of a chapter within a district who has been a member in good standing for at least one year shall be considered eligible to serve as a District Director.

Section 3 - Duties

Each District Director shall serve on the Board, represent the District to the Association, communicate with District and Chapter officers, authorize expenditure of District funds as specified in the Association Rules of Procedure, coordinate the activities of the District and provide information to the members of the Association.

Section 4 - Vacancy

In the event a duly elected Director is unable to complete the term of office, the District Council shall elect a successor to serve the remainder of the term of office to which the previous incumbent was originally elected. If a duly elected District Director is unable to take office, an interim Director shall be selected by the District Council to serve for a period not to exceed ninety (90) days, during which time a new election will be held.

Section 5 - Removal of District Director

Upon the written recall petition of twenty-five percent (25%) of a District's Active members, the President shall cause the Election Board to conduct an election for the purpose

of determining whether the District Director for that district shall be removed from office. Such election shall be held no later than ninety (90) days from the filing of the recall petition with the President. If a majority votes to remove the District Director, said Director shall forfeit office immediately.

Section 6 - District Council

Each District shall establish a District Council comprised of elected officers of each Chapter within the District. The District Council shall serve as an advisory group to the Director and coordinate such District activities as may be appropriate.

Section 7 - Rules of Procedure

Each District Council shall establish District Bylaws for the District. The District Bylaws and all amendments shall be consistent with the Bylaws of the Association and subject to the approval of the Board.

Section 8 - District Council Officers

Election of District Council officers, including the District Council Chair, shall be determined in accordance with the District Bylaws from among the elected chapter officers.

ARTICLE VII - CHAPTER ORGANIZATION

Section 1 - General

The organizational unit of the

Association shall be called a Chapter. A Chapter may be formed upon the request of ten (10) or more Active or Retiree members within a geographic area or work unit and with the approval of the Board. A Chapter is the local, non-corporate, affiliated group of Association members.

Section 2 - Chapter Rules of Procedure

Each Chapter shall establish Rules of Procedure for the Chapter. The Chapter Rules of Procedure and all amendments there-to shall be consistent with the Bylaws of the Association and subject to the approval of the Board of the Association.

Section 3 - Dissolution of a Chapter

A Chapter may be dissolved for any of the following reasons:

- a) Consolidation of two or more Chapters;
- b) The Chapter has been determined to be inactive;
- c) The Chapter has engaged in activities in conflict with the principles and purposes of the Association to the detriment of the Association.

Dissolution of a Chapter under (c) of this section shall be referred to the Board by the District Council. Dissolution of a chapter under (b) and (c) of this section shall be upon a two-thirds vote of the Board present and voting in a recorded, roll call vote in the second subsequent regular scheduled Board meeting. All funds held by a dissolved Chapter shall revert to the Association.

Section 4 - Chapter Membership

All active and retiree members of this Association shall have membership in that Chapter which represents the individual's geographic area or work unit; providing a member may apply for membership in the Chapter of his or her choice with the approval of the governing authority of the receiving Chapter.

Section 5 - Chapter Fiscal Affairs

Chapters are authorized to maintain their own financial accounts, subject to the Association's Rules of Procedure and District Bylaws.

Bylaws Recommendation 2: Administrative and Operations

Unless otherwise noted the changes in this proposal are clean-up language for clarification and consistency.

ARTICLE 1 - GENERAL

Section 1 - Name

The name of the Association is the Oklahoma Public Employees Association, a non-profit corporation incorporated in the state of Oklahoma. For convenience in these Bylaws, the corporation is sometimes referred to as the "Association."

Section 2 - Purpose

The purpose of the Association is to promote the progress of public service in the State of Oklahoma in every manner consistent with the best interests of the state; to maintain public service in Oklahoma as a highly respected profession; to promote the highest standards of public employee conduct in governmental affairs and to encourage in public employees a high sense of civic responsibility; to unite the public employees in Oklahoma to the end that they may exert an effective influence in the promotion of plans to improve the quality of public employees in all ways compatible with the best interests of the state; and to educate the public of the important and significant roles public employees fulfill in the lives of the communities where they work and live.

Section 3 - Seal

The seal of the Association shall consist of two circles, the inner centered with an outline of the state and "Sept. 22" above the state outline and "1975" below the state outline, with the space between the two inscribed "Oklahoma Public Employees Association," [seal unchanged from prior Bylaws]. The seal of the Association shall be kept in the state office.

Section 4 - State Office

The principal office of the Association shall be located in the City of Oklahoma City, County of Oklahoma, in the State of Oklahoma and shall be known as the State Office of the Oklahoma Public Employees Association.

Section 5 - Fiscal Year

The fiscal year of the Association shall be the calendar year.

Section 6 - Association Rules of Procedure

Clause 1 - Authority

The Board of Directors will establish and amend Association Rules of Procedure for further governance covering the day-to-day and routine operations of the Oklahoma Public Employees Association.

Clause 2 - Amendment

The Association Rules of Procedure and amendments thereto shall be adopted by resolution of the Board of Directors.

Section 7 - Limitations

Clause 1 - Union Affiliation

This Association shall not become affiliated with, become part of or endorse any labor union. The Association may join in coalition, network and interact informally with labor unions. Contracts or the exchange of funds between the Association and labor unions are prohibited.

Clause 2 - Strike Policy

This Association adopts as its policy that there shall be no strike action taken by members of the Association. This Association shall not endorse a strike by any government employee.

This section clarifies the union affiliation clause by prohibiting the Association from taking funds from or entering into contracts with a union.

ARTICLE II - STATE ASSOCIATION

Section 1 - Membership Categories

Membership in this Association shall be of ~~four~~ five categories: Active, Retiree, Affiliate, Honorary and Lifetime.

Clause 1 - Active Membership

Active membership shall be extended to all employees and officers of the State of Oklahoma or a political subdivision thereof, ~~and all retirees of the above who qualified for membership at the time of their retirement from such a position~~, who have:

- a) Transmitted a properly completed membership application to the Association;
- b) Arranged for the payment of Active ~~or Retiree~~ membership dues to the Association.

Clause 2 - Retiree Membership

Retiree membership shall be extended to all retirees of the State of Oklahoma or a political subdivision thereof, who have:

- a) Transmitted a properly completed membership application to the Association;
- b) Arranged for the payment of Retiree membership dues to the Association.

Clause 2 3 - Affiliate Membership

Affiliate Membership may be extended to any person or organization who:

- a) Is not eligible for Active ~~or Retiree~~ membership;
- b) Is supportive of the goals and objectives of the Association;

- c) Has transmitted a properly completed membership application to the Association;
- d) Has arranged for the payment of affiliate membership dues to the Association.

Clause 3 4 - Honorary Membership

The Board of ~~Directors~~ may extend Honorary membership to any person who has made outstanding contributions to the objectives of the Association and is not eligible for Active membership in the Association. Such membership may be bestowed:

- a) Upon the nomination by any active member, setting forth justifiable merits for such recognition;
- b) Free from the payment of dues to the Association;
- c) Subject to termination at the discretion of the Board of ~~Directors~~.

Clause 4 5 - Lifetime Membership

The Board of ~~Directors~~ may extend Lifetime membership to any person who has made outstanding contributions to this Association as an Active or Retiree member of the Association. Lifetime members shall have the rights and privileges of active members but shall not be required to pay annual dues. Such membership may be bestowed:

- a) Upon the nomination by any active member, setting forth justifiable merits for such recognition;
- b) Free from the payment of dues to the Association;
- c) Subject to termination at the discretion of the Board of Directors.

Clause 6 - Voting

The right to vote, conduct business and serve as an officer or on a committee shall be confined to Active, Retiree and Lifetime members.

Clause 7 - Termination of Membership

Membership in the Association shall be terminated for any of the following reasons:

- a) Death;
- b) Resignation from the Association;
- c) Failure to pay dues;
- d) Actions deemed contrary to the principles or purposes of the Association (Art. II, Clause 7).

Clause 8 - Termination Procedures

Prior to termination of membership under Article II, Clause 6 (d), a "Notice of Intention to Terminate Membership" shall be given by the Board of ~~Directors~~ to such member by certified mail, to the last known address, twenty (20) days prior to the date of termination. The member, upon request, shall

be given an opportunity to show cause why membership should not be terminated. Such termination will be made effective by a two-thirds vote of the Board of ~~Directors~~ present and voting in a recorded, roll call vote.

Clause 9 - Reinstatement of Terminated Membership

A membership terminated under Article II, Clause 6 (d) may be reinstated by a two-thirds vote of the Board of ~~Directors~~ voting in a recorded, roll call vote after a period of not less than one year from the date of termination. Reinstatement of a terminated membership must be at the request of the terminated member.

The changes in this section clarify membership for Retirees.

Section 2 - Board of Directors

Clause 1 - Authority

The Board of Directors, herein referred to as Board, shall, in accordance with the provisions of these Bylaws, be the governing body of the Association. The Board shall manage its affairs and be the reviewing authority with respect to all matters which may arise at any level within the Association which, in its judgment, should be reviewed. All actions of the Board shall be subject to action of the membership at a Regular or Special meeting. In day-to-day and routine operations, the Board of Directors shall be the final authority.

Clause 2 - Membership

The President, and ~~Council~~ Directors shall constitute the Board of ~~Directors~~ of the Association. The President Emeritus and the Executive Director shall serve as ex-officio members of the Board of ~~Directors~~ without voting privileges. In all matters considered by the Board of ~~Directors~~, each member shall have one vote. In the event that a ~~Council~~ Director is unable to attend a Board meeting, their ~~designated~~ Proxy may attend and a Proxy may be designated in writing. The designated representative shall be granted full voting privileges.

At the beginning of each term, Directors may appoint one Proxy to attend Board meetings in the absence of the Director. Proxies shall meet the same qualification criteria as appointing Director. The Proxy can only vote at three Board meetings per year.

The changes in this section clarify the authority of the Board to take action, removes

duplicate authority with the Executive Director over day-to-day operations and clarifies who may serve as a Proxy for Board members.

Section 3 - Meetings

Clause 1 - Regular Meetings

The Board of ~~Directors~~ shall hold at least four regular meetings each year at such time and place as the President may determine. The dates of these meetings shall be annually published to the membership.

Clause 2 - Special Meetings

Special meetings of the Board of ~~Directors~~ may be called by the President upon three days' notice to all members of the Board of ~~Directors~~. The meeting notice may be waived by a 2/3 majority vote of support of the Board present. Special meetings may also be called at any time upon the written or electronic request of a majority of the Board of ~~Directors~~. The notice for a special meeting must state the specific purpose of the meeting.

Clause 3 - Quorum

A majority of the Board of ~~Directors~~ shall constitute a quorum.

Clause 4 - Telecommunication Meetings

The Board of ~~Directors~~ or any committee or subcommittee thereof may meet by telecommunication after approval by the President. Actions taken at any such meeting shall be recorded in writing. The record of such actions must be adopted at the next Board Meeting and filed as the official minutes of such meeting.

Section 4 - Committees of the Board - Definitions

Clause 1 - General

The committees of the Board of ~~Directors~~ shall consist of an Election Board, Platform and Resolution Committee and designated standing committees. Each ~~Council~~ Director shall make one appointment to each committee for one-year terms unless otherwise noted in the Bylaws. In addition, the President may, from time to time, with the advice of the Board of ~~Directors~~, create Special Committees, Ad Hoc Committees and Task Forces for the purpose of handling special assignments.

Clause 2 - Platform and Resolutions Committee

The Platform and Resolutions Committee shall receive proposed resolutions and Bylaws amendments, determine their relevance to the Association's mission, make recommendations and transmit them to the Delegate Assembly.

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The Platform and Resolutions Committee shall be responsible for receiving, considering and initiating legislative action and recommendations on matters affecting the welfare of state employees and shall submit the same to the Delegate Assembly.

The Platform and Resolutions Committee shall present to the Delegate Assembly the Delegate Assembly Rules of Procedure and other documents necessary for it to deliberate. The Platform and Resolutions Committee shall deliver a report of its activities to the Delegate Assembly.

Clause 3 - Election Board

The Election Board shall consist of a member selected by each ~~Council~~ Director and one member appointed by the President of the Association. The Election Board shall elect its own Chair and propose rules for ~~Council~~ [This word would change to District if Bylaws Recommendation 1 on page 18 is adopted] and statewide elections and referenda pursuant to the Bylaws and Assembly Rules of Procedure and subject to approval by the Board of ~~Directors of the Association~~.

Clause 4 - Audit Committee

The Audit Committee shall consist of one member of the Board, selected by the Board. In addition, two members (either Active or Retiree) with financial expertise shall be selected from the Association membership by the Delegate Assembly. The Audit Committee shall oversee the annual financial audit of the Association pursuant to the Association Rules of Procedure.

The addition of an Audit Committee is consistent with the latest best practice for non-profit organizations and includes participation from the membership at-large in the audit.

Section 3 - Advisory Councils

Advisory Councils may be formed by the Board, Active or Retiree members, on an ad hoc basis in order to identify issues and take action. All interested members may participate in Advisory Councils. An Advisory Council cannot take action in opposition to the Platform adopted at the most recent Delegate Assembly.

This section empowers members to form Advisory Councils to address specific issues.

ARTICLE III - OFFICERS

Section 1 - General

The ~~active~~ officers of the Association

shall be the President, Vice-Chair, Secretary and Treasurer. All officers of this Association shall have been Active or Retiree members in good standing for the immediate preceding year. Officers shall be eligible and elected in accordance with the approved Election Board rules and these Bylaws.

Section 2 - Executive Committee

The Executive Committee is comprised of the President, Vice-President, Secretary and Treasurer. The Executive Committee may take action between regular meetings as delegated by the Board. The Board shall be immediately notified of actions taken by the Executive Committee. Actions taken at such meetings shall be recorded in writing. The record of such actions must be adopted at the next Board meeting and filed as the official minutes of such meeting.

The change to this section establishes the Executive Committee of the Association and delineates the duties of the committee and its responsibilities to the Board.

Section 2 3 - Term of Office

The Vice-Chair, Secretary and Treasurer of the Association shall serve for one year and until their successors have qualified. Their term of office shall commence on the first day of January.

Section 3 4 - President/Chairman of the Board

The President of the Association shall serve a two-year term and may succeed himself/herself for only one additional term. The term of office shall commence on the first day of January. In the event that no successor has been qualified and elected prior to the end of a regular term, the incumbent shall continue to perform the duties of office until a successor is elected. The President shall preside at all meetings of the Board and the Delegate Assembly, decide all questions of order and of procedure, submit for consideration all regularly made motions and shall observe and require compliance with the Articles, Bylaws, ~~and~~ Association Rules of Procedure, and Delegate Assembly Rules of Procedures. of this Association.

The changes to this section permit the President to serve only two successive terms. However, the president can return after leaving for one term.

Section 4 5 - Vice-Chair of the Board

The Board of ~~Directors~~ shall elect the Vice-Chair of the Board from its membership. The Vice-Chair shall be responsible for fulfilling the duties of the President/Chair of the Board when same is unable to attend to the duties of that office due to absence from the Board meetings.

Section 5 6 - President Emeritus

Upon completion of a term of office as President, an individual shall assume the office of President Emeritus. The specific duties of the office shall be determined by the Board of ~~Directors~~ to best meet the needs of the Association.

Section 6 7 - Secretary

The Board of ~~Directors~~ shall elect the Secretary from its membership. The Secretary shall be responsible for the minutes of all Board meetings of the Association and maintenance of the official Association records, in coordination with the staff of the Association.

Section 7 8 - Treasurer

The Board of ~~Directors~~ shall elect the Treasurer from its membership. The Treasurer shall be responsible for monitoring the financial records of the Association.

Section 8 9 - Vacancies

A vacancy in the office of President shall be filled temporarily by the Vice-Chair until such time as the Board may call a special election can be called. The Board of ~~Directors~~ shall elect individuals to fill vacancies of in the offices of Vice-Chair, Secretary or Treasurer from its membership.

ARTICLE IV - BUSINESS

Section 1 - Finances

Clause 1 - Dues

Each Active, Retiree and Affiliate member shall pay dues to the Association pursuant to the Association Rules of Procedures, appropriate dues. The Board of ~~Directors~~ shall determine the amount of such dues for Active and Affiliate members. ~~ships and the procedure for collection of such dues.~~ Any change in dues increase for Active or Retiree members shall be approved by a majority of the affected membership voting via a mail ballot. The procedure for dissemination and collection of ballots shall be determined by the Election Board.

Clause 2 - Audits

An annual, independent audit of the

Association's financial records shall be conducted for each fiscal year. A special audit may be called by a majority vote of the Board of Directors. All audit services shall be provided by a Certified Public Accountant selected by the Board of Directors upon recommendation by Audit Committee. Results of the audit shall be reported directly to the Board of Directors and shall be on file at the state office. Copies of the audit will be made available to the membership. ~~at an appropriate duplication cost.~~

Section 2 - Contracts

Contracts, leases, mortgages, conveyances or assignments of real property or bills of sale shall be transacted only with the authorization of the Board of Directors and only within the scope of any limitations set by the Board. Such instruments shall be valid when signed by the President, sealed with the seal of the Association, when required, and attested to by the Secretary of the Association, unless otherwise provided for within these Bylaws.

Section 2 - Dissolution

In the event of the dissolution or final liquidation, the Board of Directors shall cause the assets of the Association to be deposited and credited to the Oklahoma Public Employees Retirement System or its successor.

ARTICLE V - EXECUTIVE DIRECTOR

Section 1 - Employment

The Board of Directors shall employ and contract with an Executive Director who shall serve at the pleasure of the Board. The Board of Directors shall determine the compensation of, provide bonding for and determine policies related to the employment of the Executive Director. The President of the Association shall serve as the signatory agent for the employment contract of the Executive Director.

Section 2 - Administrative Responsibilities

The Executive Director shall serve as the principle administrative officer of the Association under at the direction of the President and the Board of Directors. The Executive Director shall be responsible for executing the Association's Articles of Incorporation, Bylaws of the Association, Association Rules of Procedure and policies, procedures and directives of the Board of Directors.

Section 3 - Liaison Responsibilities

As directed by the Board, the Executive Director shall serve as the liaison and spokesperson for the Association to the Governor, Legislature, state boards, state commissions, state agencies, coalitions, organizations with which the Association is affiliated, and the media. The Executive Director shall maintain communication to and from with elected and appointed officials of the Association.

Section 4 - Fiscal Responsibilities

The Executive Director shall be responsible for transacting financial matters and administration of all affairs of the Association within the guidelines specified and approved by the Board of Directors.

Section 4 5 - Signatory Agent

The Executive Director shall act as signatory agent of the Association in the execution of contracts, leases, causes of action in courts of law and any other arrangements which obligate the Association within the guidelines specified and approved by the Board of Directors and when not in conflict with these Bylaws.

Section 5 6 - Personnel Responsibilities

The Executive Director shall ~~may, with the approval of the Board of Directors, retain~~ employ and supervise professional, technical and clerical staff as necessary ~~to carry out the programs fulfill the purpose of the Association.~~ Employees of the Association shall be bonded, with the cost of such bond borne by the Association. The Executive Director shall be responsible for conducting and maintaining confidential annual employee evaluations and records. ~~The Executive Director shall ensure that all employees of the Association have a fair, written, uniform grievance policy as overseen by the Board of Directors.~~ Employees of the Association ~~may be removed for cause by~~ serve at the will of the Executive Director, providing employees may appeal to the Board of Directors, whose decision shall be final.

The Executive Director shall enforce all applicable state and federal employment law.

Section 6 7 - Other Responsibilities

The Executive Director shall perform other duties as directed by the Board of Directors, as long as those duties are in accordance with these Bylaws and Association Rules of Procedure.

ARTICLE VIII - ASSOCIATION MEETINGS

Section 1 - Delegate Assembly

~~The business meeting of the~~ The Association shall be hold an annual Delegate Assembly, at such place and time as the Board of Directors may determine. The Board of Directors, in determining and securing the facilities and accommodations for the business meetings, shall ensure that the facilities and accommodations meet the requirements of the Americans with Disabilities Act or its successor.

Section 2 - Special Meetings

The Board of Directors shall call a Special Delegate Assembly on its own motion or on the written application of a majority of the members at such time and place as the Board of Directors may determine.

Section 3 - Notice of Meetings

At least thirty (30) days prior to each regular Delegate Assembly ~~and at least fifteen (15) days prior to each Special Delegate Assembly,~~ the Board of Directors shall be responsible for notification of each member of the Association of the time, place and purpose of such meeting by notice in the Association's publication or by direct mail.

Section 4 - Delegate Assembly Voting

~~In any Delegate Assembly, voting procedures shall be established by the Board of Directors.~~

Section 5 4 - Assembly Rules and Voting Procedures

The Board of Directors shall determine the rules and voting procedures for any Delegate Assembly. The Chair of the Delegate Assembly shall determine the Orders of the Day. Proxy votes shall be not be allowed at any meeting of the Delegate Assembly.

ARTICLE IX - AMENDMENTS

Section 1 - Method

These Bylaws may be amended by a two-thirds affirmative vote of the active and retiree members ~~voting by mail or the delegates present at any Delegate Assembly held every fifth second year beginning in 2000 2008,~~ or at any Special Delegate Assembly called or designated by the Board of Directors in any year. The Board of Directors shall designate the next annual business meeting or call a Special Bylaws Delegate Assembly to consider

amendments to these Bylaws upon the written request of a majority of ~~Councils~~ [This word would change to District if Bylaws Recommendation 1 on page 18 is adopted] or upon a two-thirds vote of the Board.

Section 2 - Announcement of Proposed Amendments

All proposed amendments ~~and a statement of the amendment's purpose and impact will~~ shall be published in an the official publication of the Association, to be received prior to the Delegate Assembly to consider amendments to ~~called for the purpose of amending~~ the Bylaws. ~~The statement may only cover the subject matter of the proposed amendment.~~

ARTICLE X - IMPLEMENTATION

These Bylaws shall take full effect on Jan. 1, 2003, provided they are ratified by two-thirds of the delegates present and voting at the 2002 Delegate Assembly.

ARTICLE XI - INTERPRETATION

All questions concerning the interpretation or application of the OPEA Bylaws shall be submitted to the Counsel to the Board. ~~the Association's retained law firm for an opinion. If the Association has no retained law firm, the Executive Director shall submit the question to an attorney qualified to render an opinion. The Executive Director shall make requests for an opinion. A copy of any~~ The opinion shall be delivered to the OPEA Board at the next regularly scheduled Board meeting. ~~President and Executive Director.~~

ARTICLE XII - SEVERABILITY

If any portion of these Bylaws are determined to be invalid, unenforceable, illegal or against public policy by an Oklahoma court of competent jurisdiction, then the remaining portion(s) thereof shall not be affected thereby.

Bylaws Recommendation 3: Bylaws Clean-up Language - changes to Articles VI and VII if the Council structure is retained

This section would only be considered if Recommendation 1 is not adopted. This proposal would retain the Council structure but change some language to provide clarification and consistency.

ARTICLE VI - COUNCIL ORGANIZATION

Section 1 - General

The Board ~~of Directors~~ will provide for the appropriate ~~e~~Council representation of OPEA members. Agency ~~w~~Worksite ~~r~~Representatives shall be the voting members of each ~~e~~Council, ~~with the exception of the Retiree's Council, which shall be appointed by the Board of Directors from retired members of the Association.~~

This section allows all active retirees to participate in their Council.

Section 2 - Council Directors

Each Council shall be entitled to elect at least one Director, who shall serve a two-year term on the Board ~~of Directors of the Association.~~ The exception shall be the Retirees' Council Director, who shall be elected by a statewide vote of retired members of the Association. The term of office shall commence on the first day of January. In the event that no successor has been qualified and elected prior to the end of a regular term, the incumbent shall continue to perform the duties of the office until a successor is elected. At least half of the Board shall be elected in even numbered years and the remainder in odd numbered years as set by the Board ~~of Directors.~~ Any active member of a Council who has been a member in good standing for at least one year shall be considered eligible to serve as a Council Director. Individuals who have been a member of a competing organization in the past two years are prohibited from being members of the OPEA Board ~~of Directors.~~

Section 3 - Duties

The duties of the Council Director shall be to represent the ~~e~~Council to the Association, communicate with Council and Worksite Representatives, authorize expenditure of Council funds as specified in the Association Rules of Procedure, coordinate the activities of the Council and provide information to the members of the Association.

Section 4 - Vacancy

In the event a duly elected Council Director is unable to complete the term of office, the Council shall elect a successor to serve the remainder of the term of office to which the previous incumbent was originally elected. If a duly elected Council Director is unable to take office, an interim Director shall be selected by the Council to serve for a period not to exceed ninety (90) days, during

which time a new election will be held.

Section 5 - Removal of Council Director

Upon the written recall petition of twenty-five percent (25%) of a Council's Active members, the President shall cause the Election Board to conduct an election for the purpose of determining whether the Council Director for that district shall be removed from office. Such election shall be held no later than ninety (90) days from the filing of the recall petition with the President. If a majority votes to remove the Council Director, said Director shall forfeit his/her office immediately.

Section 6 - Council

Each Council shall elect a chair, ~~vice-chair and communication coordinators~~ and may elect additional officers from within the Council. The Council shall serve as an advisory group to the Council Director and coordinate such Council activities as may be appropriate. The Council may call a special meeting on its own motion, or will, upon the written application of a majority of its own members, call a meeting at such time and place as the Council may determine. Notice of the meeting shall be made to the Council members at least ten (10) days prior to the meeting date.

This section allows Councils to determine the number and title of their officers.

ARTICLE VII - LOCAL ORGANIZATION

Section 1 - Worksite Representatives

The Association shall develop a network of on-site contact persons called Worksite Representatives. The Association Rules and Procedures adopted by the Board of Directors will outline the procedures for their selection and appointment. ~~of individuals.~~

Clause 1 - Duties and Responsibilities

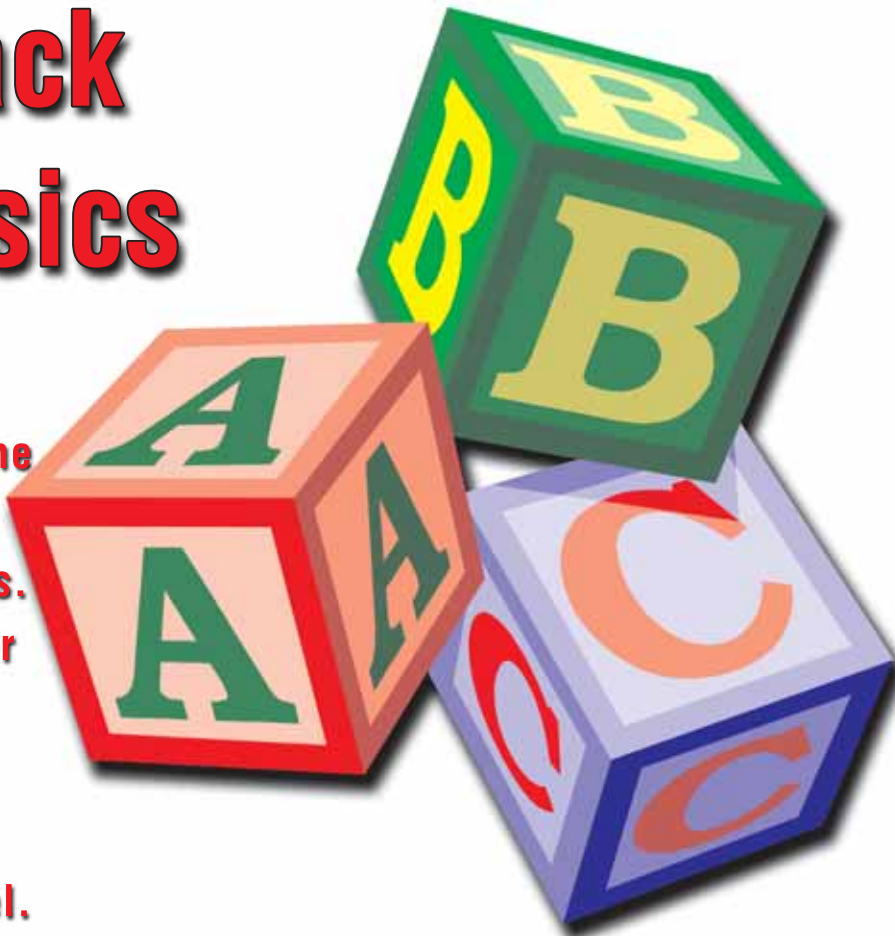
- Serve as the contact persons for co-workers seeking information about their benefits or membership in OPEA.
- Post and communicate OPEA information.
- Assist in identifying problems or issues that OPEA should address.
- Promote involvement in OPEA programs and legislative activities.
- Represent work location at agency ~~e~~Council meetings.

Clause 2 - Worksite Representative's Removal

The Association can remove ~~w~~Worksite Representatives when duties and responsibilities are not being fulfilled.

Getting Back To The Basics

Starting July 1, OPEA will resurrect chapters across the state – the true backbone of the Association’s success. If you were part of a chapter in the past, contact OPEA and find the power to help yourself and other state employees at the local level.



Our Lives • Our Passion • Our Jobs

Oklahoma Public Employees Association Membership Application

Please return to: OPEA, 13 N.E. 28th St., Oklahoma City, Okla. 73105 or visit 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.

Office use only: ___Amt ___Proc ___Tran ___CC ___WLC ___NMP

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