

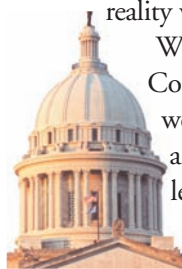
the **advocate** **UPDATE**

VOICE OF OKLAHOMA'S STATE EMPLOYEES

June 2010

OPEA's Legislative Journey

As lawmakers closed the doors on the 2009 legislative session last summer and headed for home, the Oklahoma Public Employees Association's 2010 legislative journey was just beginning. OPEA had sent strong warnings concerning its misgivings about the economy and the need for state agencies to take cost-saving steps sooner rather than later. Unfortunately, the Association's predictions became a nightmarish reality when the full impact of the budget situation began to unravel.



When OPEA members gathered at the Association's 2009 Convention to discuss OPEA's Legislative Agenda for 2010, agencies were cutting their budgets by 5 percent to 7 percent, and some already were announcing furloughs. OPEA leaders met with agency leaders and legislators to begin to assess the damage and to suggest additional cost-saving measures aimed at softening the impact on state employees and the people they serve.

OPEA raced to gather budget information and analyze revenue collections. As the numbers became clear, OPEA's leadership realized that passing the Association's Legislative Program would be a difficult task. With the state's budget failing every month, OPEA shifted to saving the jobs of state employees. *(Continued On Page 2)*



Sen. Brian Bingman, left, and Rep. Skye McNiel visited OPEA members at the Creek County DHS office May 7. Rep. Mark McCullough was also on hand.

A Closer Look At The 2010 Session

Budget

OPEA's greatest concern at the beginning of the recent legislative session was the budget shortfall. State agencies were already suffering from FY 2010 cuts, and the certification was 13 percent below this year's budget. The FY 2011 cuts could have been drastic without additional revenue. State leaders were able to find some revenue and make some cuts, but implementing the budget will be a challenge for some agencies.

The budget appropriates \$6.7 billion in FY 2011, \$256 million, or 3.7 percent, less than the final FY 2010 budget of \$6.9 billion, and \$556 million, or 7.7 percent, less than the \$7.2 billion initial FY 2010 budget the Legislature decided upon during its 2009 session.

To balance the budget, the Legislature used \$1.4 billion in revenue that was not part of the initial certification. This includes \$496 million in stimulus funds for education and healthcare and \$372.8 million from the state's Rainy Day Fund. \$100 million of this amount will be set aside for FY 2012. The remaining \$630 million of additional revenues comes from fee increases, enhanced tax collections, increased bonding, suspending tax credits, deferring payments and transferring available cash balances.

OPEA's greatest disappointment was with the small cuts taken by education. Part of the OPEA strategy during the session was to "share the burden," to ask legislators to spread the reductions

across all functions of government, including common and higher education, which make up half the budget. Education took a cut of only 3 percent, while other functions of government suffered much more.

Agencies are still putting together their budget work programs for FY 2011, and it appears that the greatest concerns are in Corrections and the Office of Juvenile Affairs.

✘ DOC, having already cut treatment and education programs that were not funded by grants and private prison contracts, announced furloughs that will begin in July. DOC expects to grow by 708 inmates this year. *CareerTech* space has been turned into beds, and the agency is only 73 *(Continued On Page 3)*

OPEA's Legislative Journey *(Continued From Page 1)*

The Association quickly gained the attention of legislative leaders, calling for the speaker of the House and president pro tempore of the Senate to hold early agency budget hearings. OPEA's strategy was simple: Legislative leaders must be apprised of the dire predicament of agency administrators, and the only way to do this was to hold hearings. Legislative leaders acknowledged the value of OPEA's idea, authorizing appropriations subcommittee chairs to begin meeting

with agencies. By the end of November, most subcommittees had scheduled meetings with their agencies.

As the 2010 legislative session approached and budget cuts escalated to the 10-percent mark, OPEA members encouraged their lawmakers to use a combination of Rainy Day funds and federal stimulus money to help offset the budget cuts. The OPEA Board of Directors met in January to discuss budget cuts, furloughs and risks that would

face state employees during the upcoming legislative session. They voted to focus on budget concerns, with saving jobs and reducing furloughs as their top priority.

At the beginning of the legislative session, OPEA concentrated on gaining supplemental funding for hard-pressed state agencies. OPEA was successful early, obtaining funding for the Department of Corrections and the Department of Public Safety. But with little money available, many of OPEA's efforts to curb furloughs fell short.

The Association pressed on, meeting with key legislators in an effort to protect state employees while advancing OPEA's Legislative Agenda. OPEA Executive Director Sterling Zearley met with Senate Pro Tempore Glenn Coffee, Speaker Chris Benge and members of their staff to outline budget concerns. With OPEA's annual Lobby Day approaching, grassroots involvement was a critical aspect of the Association's plan.

Meanwhile, OPEA was forced to battle with *The Oklahoman*, which requested seven pieces of information from the state about all state employees, including their date of birth. OPEA locked into a public debate about the privacy rights of public employees. The newspaper utilized its editorial page to attack OPEA and intimidate state employees.

While OPEA's bills were being introduced and working through the committee process, members from many state agencies put faces from home on state employee issues. They raised concerns with the privatization of child welfare, the Rader Center and the closure of the Southern Oklahoma Resource Center. Department of Mental Health and Substance Abuse Services members fought to stop their commissioner from casting off privatization protections for mental health facilities as well as destroying competitive processes established during the Keating administration.

As concerns about state employee insurance arose and state employees were at risk of losing between \$35 and \$115 per month from their *(Continued On Page 16)*

Legislative Leaders Block COLA For State Retirees

In a historic move that could lead to a crisis for older Oklahomans, the state Legislature has blocked a modest 4-percent cost-of-living adjustment (COLA) for state retirees, firefighters, teachers and widows. Sen. Cliff Aldridge and Rep. Lisa Billy proposed the increase in pension benefits in SB 1637.

The Oklahoma Public Employees Association, working with the Oklahoma Retired Firefighters Association, the Oklahoma Troopers Association and the Oklahoma Retired Educators Association, strongly supported the measure. The Oklahoma Public Employees Retirement System (OPERS) has a 2-percent per year pension increase already built in, so granting the COLA would not have reduced the system's actuarial value and would have no impact on the state budget.

Aldridge and Billy issued a press release urging legislative leaders to allow the COLA bill to move forward.

"In every community in Oklahoma, we have retired police, firefighters, teachers and other former state employees who depend on these COLAs to make ends meet," said Aldridge. "This isn't because of the budget."

Billy agreed: "I'm getting calls from retirees who cannot understand what's happening," she said. "They paid into the system. This is their money, so they don't understand why it is being blocked."

The Legislature's failure to pass SB 1637 marks the first time in recent memory that state lawmakers have blocked a recommendation granting a COLA for retirees.

"This legislative decision says the state of Oklahoma does not value its retirees, and that's a bad message both for retirees and state employees," said OPEA Executive Director Sterling Zearley. "Older Oklahomans are among the hardest hit by the economic downturn, and, while 2 percent per year doesn't seem like much, for some retirees, it's the difference between filling a grocery cart and a prescription."

A nationwide AARP survey recently found that 55 percent of older Americans already have difficulty paying for basics such as food and medicine, while 44 percent said they have trouble affording their utility bills.

"The loss of a COLA will mean more Oklahoma retirees are forced to struggle in their golden years," Zearley added. "We're calling on Oklahoma to do what's right for people who gave so much to the state. It is time to take this decision out of the hands of politicians, and let the retirement system grant the COLAs that are built into their assumptions."

A Closer Look At The 2010 Session *(Continued From Page 1)*



Rebecca Roseberry and Kalei Snider were among those who attended the Muskogee Chapter meeting June 8.

cies, the retirement system is underfunded, and losing \$14 million in contributions will not help the problem. This also cost state retirees a much-needed COLA.

Two troubling concerns with the FY 2011 budget are the use of one-time and non-recurring revenues to balance the budget and the optimistic scenarios used to predict some of the additional revenue. The major

sources used to reduce the budget shortfall – stimulus dollars, the Rainy Day Fund and cash balances – will be unavailable in FY 2012 and FY 2013. Revenue growth can be expected to partly help bridge the gap, but, with the budget cobbled together with underfunded agencies and one-time funds, the state's financial problems are simply being pushed further down the road.

Thanks to Oklahoma Policy Institute for parts of the preceding information.

Defending state employee rights and jobs became a priority for OPEA as conference committee reports were filed for final consideration.

Child Welfare Privatization

Rep. Gus Blackwell filed HB 3258 (Blackwell, Newberry) at the beginning of the session as a pilot project to privatize child welfare services. Like many other bills, the legislation passed through the House and Senate with little opposition. OPEA did some preliminary research on the privatization of these services in other states and discussed the information with Rep. Ron Peters, the chair of the House Human Services Subcommittee. The proposal was pushed by several high-profile lobbyists hired by out-of-state, for-profit corporations. OPEA attended several meetings at the Capitol with legislators and lobbyists and worked in coalition with Oklahoma non-

profit organizations to stop the bill. However, it will be back during the 2011 session.

Department Of Mental Health And Substance Abuse Services

One week before the end of the session, HB 2999 (Steele, Crain) came out of conference with *(Continued On Page 14)*

Henry Signs Holiday Bill

Legislation that gives state employees more time off to spend with their family during the Christmas season was signed into law by Gov. Brad Henry June 7 and will go into effect on Nov. 1, 2010.

HB 3052, commonly called the Holiday Bill, lets state employees take either the day before or the day after Christmas as a holiday. If Christmas is on a Saturday, the bill allows employees to take off the Thursday and Friday before Christmas. If the holiday falls on a Sunday, employees may take off the Monday and Tuesday after Christmas. The bill was authored by Rep. Dan Kirby, R-Tulsa, and Sen. Todd Lamb, R-Edmond.

The bill was one of several pieces of legislation requested and actively lobbied for by the Oklahoma Public Employees Association.

"We believe that state employees should be able to enjoy time off with their family during this holiday season and are excited that Rep. Kirby and Sen. Lamb were the authors of the bill and that Gov. Henry chose to reward state employees by signing the bill," said OPEA Executive Director Sterling Zearley.

This bill provides an example of how OPEA's platform system works. An OPEA member brought this issue up at the Association's 2009 Convention.

percent staffed. OPEA has already started the process of working on supplemental funding for the agency, which would cut the furloughs for the second half of the fiscal year.

✘ OJA is reducing the Rader Center from 140 to 72 beds, with staffing cuts. The agency is currently in the VOBO/RIF process. At this time, it does not anticipate furloughs.

✘ The Department of Human Services won't require furloughs at this time. However, OPEA is fighting further cuts at the Southern Oklahoma Resource Center in Pauls Valley.

✘ Most of the funds for the Health Department are federal and are not affected by the budget cuts. The 7.5 percent in state appropriations should be covered by the VOBOs taken earlier in the year.

✘ Transportation is receiving federal stimulus dollars and should not have significant cuts this year.

✘ Legislators saw the value of funding the Tax Commission's tax enforcement and provided the agency with 6.8 percent more in funding for FY 2011.

✘ Veterans will be able to avoid furloughs by keeping its facilities at capacity to help draw federal funds. However, the facilities need additional employees to maintain quality services.

The Legislature passed SB 1580, which delays funds to the Oklahoma Public Employees Retirement System. While this is a good thing for state agen-

On The Record: A Look At The Bills Tracked By OPEA

OPEA members rely on the Association during every election cycle to determine which candidates best represent the interests of state employees at the Capitol.

This year is no different; OPEA is gearing up for the upcoming elections by tabulating elected officials' votes on issues that are important to state employees.

This year, OPEA began the endorsement process by looking at voting records on 14 bills, using the following criteria to determine which of the 14 would be used to determine legislators' 2010 voting records:

- ✘ The bill had substantial lan-

guage when votes were cast. Some pieces of legislation go through the process as "shell" bills, which have no meaningful language. Later, as language is added, OPEA studies the legislation to determine whether to support or oppose it.

- ✘ A bill must have been voted on in both the House of Representatives and the Senate to be included in the scoring.

- ✘ Did OPEA actively lobby for or against the bill? Representatives of the Association talk with every legislator and ask for their support in passing or defeating legislation.

In scoring legislators' votes, OPEA

did not penalize legislators who were absent or took constitutional privilege. Scoring was based on the position the legislator took in reference to the position OPEA advocated.

Finally, a legislator received credit for sponsoring legislation requested by OPEA.

Candidates for elected office who post a voting record of at least 80 percent are eligible for an automatic endorsement from OPEA.

Candidates who fall short must interview with the OPEA Political Action Committee, as well as with their local OPEA chapter, to be considered for an endorsement.

SB 1600: (*Sen. Brian Crain, Rep. Colby Schwartz*) This legislation would have removed critical employee rights in the Privatization of State Functions Act. The Act, which OPEA originally passed in 1999, allows state employees to compete for their jobs and requires agencies to conduct a cost analysis before privatizing a function.

HB 2999: (*Rep. Kris Steele, Sen. Brian Crain*) This legislation amended Title 43A, changing a statement from Department of Mental Health and Substance Abuse Services facilities "shall be maintained for residents of the state" to "may be maintained for residents of the state." This allows DMHSAS to close or privatize any of its 12 facilities without legislative oversight. In a letter from DMHSAS Commissioner Terri White to legislators, White disclosed her intentions: "Oklahoma is divided into 17 catchment areas, each served by a community mental health center," she wrote. "Those 17 areas will continue to be covered with services, delivered locally, by a CMHC, but the CMHC may or may not be state-operated."

HB 3052: (*Rep. Dan Kirby, Sen.*

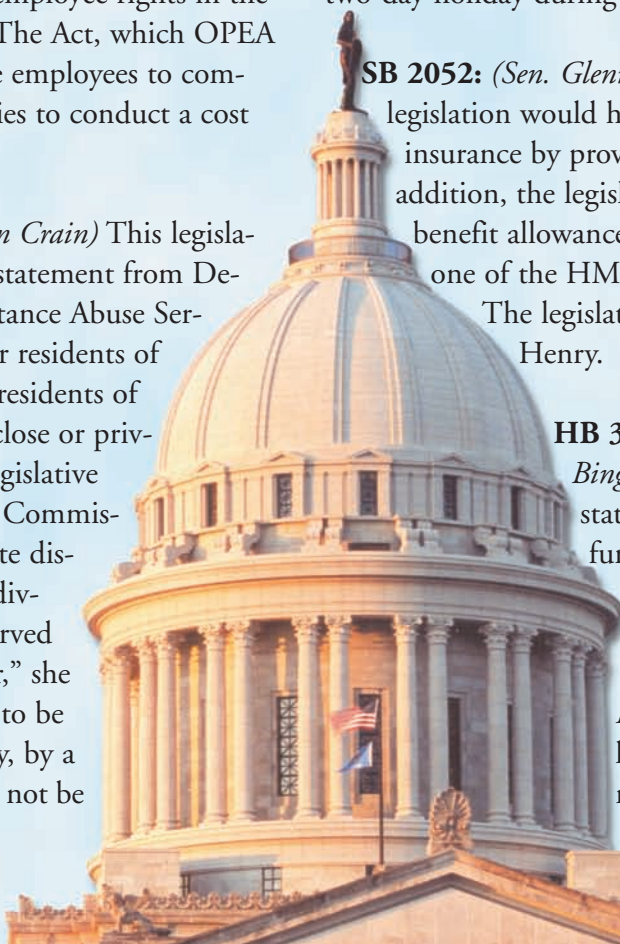
Todd Lamb) This legislation guarantees state employees a two-day holiday during the Christmas season.

SB 2052: (*Sen. Glenn Coffee, Rep. Chris Benge*) This legislation would have reformed state and education insurance by providing more choice in rural areas. In addition, the legislation would have prevented the benefit allowance from decreasing this year when one of the HMO vendors drops the program.

The legislation was vetoed by Gov. Brad Henry.

HB 3385: (*Rep. Randy Terrill, Sen. Brian Bingman*) This legislation would allow state employees to voluntarily work furlough days for annual leave, at a rate of time-and-a-half.

















SB 1637: (*Sen. Cliff Aldridge, Rep. Lisa Billy*) This legislation would have provided cost-of-living adjustments (COLAs) for retirees in all state retirement systems. OPERS participants would have received a 4-percent increase.



Senate

Oklahoma Legislature - 2010 Voting Record

Senate

















	Party	Dist.	SB 1600	SB 2999	HB 3052	SB 2052	HB 3385	SB 1637	Sponsored an OPEA Bill	% Voting With OPEA
 Tom Adelson	D	33	A	A	F	F	F	F		66
 Cliff Aldridge	R	42	A	a	F	F	F	F	F	83
 Patrick Anderson	R	19	A	A	F	F	F	a		60
 Roger Ballenger	D	8	A	F	F	A	F	F		66
 Don Barrington	R	31	A	F	F	F	F	F	F	86
 Randy Bass	D	32	F	F	F	A	F	F		83
 Brian Bingman	R	12	A	F	F	F	F	F	F	86
 Cliff Branan	R	40	A	A	F	F	F	F		66
 Randy Brogdon	R	34	A	A	F	A	F	a		40
 Bill Brown	R	36	A	a	F	F	F	F		80
 Sean Burrage	D	2	A	A	F	A	F	F		50
 Harry Coates	R	28	A	A	F	F	F	F		66
 Glenn Coffee	R	30	A	A	F	F	a	F		60
 Kenneth Corn	D	4	F	F	F	A	F	F		83
 Brian Crain	R	39	A	A	F	F	F	F		66
 Johnnie Crutchfield	D	14	A	F	F	a	a	F		75

F = For OPEA A = Against OPEA a = absent p = constitutional privilege

Senate

Oklahoma Legislature - 2010 Voting Record

Senate

















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 Mary Easley	D	18	A	A	F	A	F	F		50
 Judy Eason McIntyre	D	11	A	A	F	A	F	F		50
 Jerry Ellis	D	5	A	F	F	A	F	A		50
 John Ford	R	29	A	A	F	F	F	F		66
 Earl Garrison	D	9	A	A	F	A	F	F		50
 Jay Paul Gumm	D	6	F	F	F	a	F	F		100
 Jim Halligan	R	21	A	A	F	F	F	F		66
 Tom Ivester	D	26	A	A	F	A	F	F		50
 Constance Johnson	D	48	A	A	F	A	F	F		50
 Mike Johnson	R	22	A	A	F	F	F	F		66
 Clark Jolley	R	41	A	A	F	F	F	F		66
 Ron Justice	R	23	A	A	F	F	F	F		66
 Todd Lamb	R	47	A	a	F	F	F	F	F	83
 Charlie Laster	D	17	A	F	F	a	F	F		80
 Debbe Leftwich	D	44	F	F	F	F	a	F		100
 Richard Lerblance	D	7	F	F	F	A	F	F		83

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Senate

Oklahoma Legislature - 2010 Voting Record

Senate


















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 Bryce Marlatt	R	24	F	F	F	F	F	F		100
 Mike Mazzei	R	25	a	a	F	F	a	a		100
 David Myers	R	20	F	A	F	F	F	F	F	86
 Dan Newberry	R	37	A	A	F	F	F	F		66
 Jonathan Nichols	R	15	A	a	F	F	F	F		80
 Susan Paddack	D	13	A	F	F	A	F	F		66
 Jim Reynolds	R	43	A	A	F	A	F	F		50
 Andrew Rice	D	46	A	A	F	A	F	F		50
 Steve Russell	R	45	A	A	F	A	F	F		50
 Mike Schulz	R	38	A	A	F	F	F	F		66
 John Sparks	D	16	F	F	F	A	F	a		80
 Gary Stanislawski	R	35	A	A	F	F	F	F		66
 Joe Sweeden	D	10	F	A	F	A	F	F		66
 Anthony Sykes	R	24	F	F	F	F	F	F	F	100
 Jim Wilson	R	24	F	F	F	A	F	F		83
 Charles Wyrick	D	1	F	F	F	A	F	F		83

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House

Oklahoma Legislature - 2010 Voting Record

House


















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	R	63	F	A	F	F	F	F		83
	D	86	A	A	F	F	F	F		66
	D	1	F	A	F	F	F	F		83
	R	101	F	a	F	F	F	F		100
	R	68	A	A	F	F	F	F		66
	R	42	F	A	F	a	F	F	F	83
	R	61	F	A	F	F	a	F		80
	D	3	A	A	F	F	F	F		66
	D	4	F	A	F	F	F	F		83
	D	49	F	A	F	F	a	F		80
	D	15	F	A	F	F	F	F		83
	D	21	F	A	F	F	F	F		83
	R	93	F	A	F	F	F	p		80
	D	45	F	F	F	F	A	F		83
	R	64	F	A	F	F	a	F		80
	R	39	F	A	F	F	F	F		83
	R	5	F	A	F	F	F	F		83

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House


















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	R	85	F	A	F	F	F	F		83
	R	33	F	A	F	F	a	F		80
	R	74	F	A	F	F	a	F		80
	R	38	a	A	F	F	a	F		75
	D	65	F	A	F	F	F	F		83
	R	35	F	A	F	F	a	F		80
	R	41	F	A	F	F	F	F		83
	R	14	F	A	F	F	F	F		83
	R	36	A	A	F	F	F	F		66
	D	7	F	A	F	F	F	F		83
	D	89	F	F	F	F	F	F		100
	D	18	a	A	F	F	F	F		80
	R	58	F	A	F	F	F	F		83
	D	22	F	A	F	A	a	F		60
	R	51	A	A	F	F	F	F		66
	D	6	F	A	F	A	F	F		66
	D	94	F	a	F	F	F	F		100

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 Mike Jackson	R	40	F	A	F	F	F	F		83
 Shane Jett	R	27	F	A	F	F	F	F		83
 Dennis Johnson	R	50	A	A	F	F	F	F		66
 Tad Jones	R	9	A	A	F	F	F	F		66
 Fred Jordan	R	69	F	A	F	F	F	F		83
 Charlie Joyner	R	95	F	A	F	F	F	a		80
 Sally Kern	R	84	F	A	a	a	a	F		66
 Charles Key	R	90	F	A	F	F	F	F		83
 Ryan Kiesel	D	28	F	F	F	A	A	F		66
 Dan Kirby	R	75	F	A	F	F	F	F	F	86
 Steve Kouplen	D	24	F	A	F	A	F	F		66
 Lucky Lamons	D	66	F	A	a	F	F	p		75
 Guy Liebmann	R	82	A	A	F	F	F	F		66
 Ken Luttrell	D	37	F	A	F	F	F	F		83
 Scott Martin	R	46	F	A	F	F	F	F	F	86
 Steve Martin	R	10	A	A	F	F	F	F		66
 Al McAffrey	D	88	A	F	F	A	F	F		66

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	R	30	A	A	F	F	F	F		66
	D	78	A	A	F	A	a	F		40
	R	83	A	A	F	F	F	F		66
	R	77	F	A	F	F	F	F		83
	D	13	F	A	F	a	A	F		60
	R	81	F	A	F	F	F	p		80
	R	68	F	A	F	F	F	F		83
	D	32	F	A	F	F	a	F		80
	D	92	a	F	F	F	F	F		100
	R	31	A	A	F	F	F	F		66
	D	44	a	F	a	a	F	a		100
	R	87	F	A	F	F	F	F		83
	R	52	F	A	F	F	F	F		83
	R	47	A	A	F	F	F	F		66
	R	48	F	A	F	F	F	F		83
	R	70	A	A	F	F	F	F		66
	R	67	A	A	F	F	F	F		66

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Oklahoma Legislature - 2010 Voting Record

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	D	99	F	A	F	F	F	a		80
	D	77	F	a	F	F	F	F		100
	D	19	F	A	F	F	F	F		83
	D	17	F	A	F	F	F	F		83
	R	91	F	A	F	F	F	F		83
	R	56	A	a	F	F	F	F		80
	R	80	F	A	F	F	F	F		83
	D	20	F	F	F	F	F	p		100
	D	12	F	A	F	F	F	F		83
	R	55	F	A	F	F	F	F		83
	R	59	F	A	F	F	a	F		80
	R	43	A	A	F	F	F	F		66
	D	72	F	A	a	F	F	F		80
	R	11	F	A	F	F	F	F		83
	R	62	A	A	F	F	F	F		66
	D	97	F	F	F	F	F	F		100
	D	8	F	A	F	A	F	F		66

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	D	16	F	A	F	F	F	a		80
	D	73	F	A	F	A	a	F		60
	D	2	A	A	F	F	a	p		50
	R	26	A	A	a	F	F	F		60
	R	71	A	A	F	F	a	F		60
	R	53	F	A	F	F	F	F	F	86
	R	100	A	A	F	F	F	F		66
	R	25	A	A	F	F	F	F		66
	R	23	A	A	F	F	F	F		66
	R	98	F	A	F	F	F	a		80
	D	60	F	A	F	F	a	F		80
	R	79	A	A	F	F	F	F		66
	R	54	F	A	F	F	F	F		83
	D	34	F	A	F	A	F	F		66
	R	57	A	A	F	F	F	F		66
	R	76	A	A	a	a	F	F		50

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A Closer Look At The 2010 Session *(Continued From Page 3)*

new language. The new section would amend Title 43A, changing the designation of Department of Mental Health and Substance Abuse Services facilities from “shall be maintained for residents of the state” to “may be maintained for residents of the state.” The change would allow DMHSAS to close or privatize any of its 12 facilities without legislative oversight.

In a letter from DMHSAS Commissioner Terri White to legislators, she disclosed her intentions.

“Oklahoma is divided into 17 catchment areas, each served by a community mental health center,” she wrote. “Those 17 areas will continue to be covered with services, delivered locally, by a CMHC, but the CMHC may or may not be state-operated.”

OPEA helped defeat HB 2999 on the first vote in the Senate, 21-25, but Sen. Tom Adelson, D-Tulsa, held the bill on a motion to reconsider, providing more time to turn legislators’ votes. Adelson and Sen. Brian Crain worked all afternoon with White, eventually bringing the bill back to the floor of the Senate. Their efforts were successful in flipping the votes of Sens. Connie Johnson, Judy Eason-McIntyre and Gary Stanislawski.

While spending her time lobbying legislators at the Capitol, White clearly did not want her employees to exercise their free speech. After OPEA informed DMHSAS workers of the agency’s back-room deals, and employees made calls and sent e-mails, a threatening e-mail was sent through the agency from the central office.

“Recently, there has been an increase in prohibited e-mails such as e-mails pertaining to solicitations and also political activities,” it said. “E-mails of this nature are disruptive and prohibited. Please refrain from sending any future e-mails of this type. Employees who violate this policy will face discipline up to and includ-



OPEA Board member Hank Swearingen at a June 5 meeting held to discuss issues such as State Question 744. If the measure is approved by state voters in November, it will amend the state constitution to require that K-12 education be funded at the regional average.

ing discharge.”

White also cracked down on the agency’s organizational leave and Internet usage policies.

Privatization Process

In another conference committee, White tried to pass legislation eliminating the rights of all state employees when an agency considers privatization. OPEA successfully fought her attempts in a battle that lasted until the final moments of the legislative session.

With a week remaining, White had language added to SB 1600 (Crain, Schwartz) in the Senate General Conference Committee on Appropriations to amend the Privatization of State Functions Act. The change would have raised the threshold requiring an agency to notify employees it is considering privatization and that they may compete for the work from \$100,000 to \$1 million. In addition, the bill would have reduced state employees’ rights to compete for their jobs. The

Privatization of State Functions Act was signed into law by Gov. Frank Keating and modified during Gov. Brad Henry’s administration. Under the current law, state employees may compete for their jobs by proposing ideas that would improve efficiency and lower costs.

SB 1600 passed the Senate, 35-12, and, with 40 minutes left in the session, Rep. Colby Schwartz called the bill up for consideration in the House. Rep. Jason Nelson, who worked in the Keating administration, questioned increasing the threshold from \$100,000 to \$1 million.

Schwartz asked to hold the bill over, and when he called it up again with 20 minutes left in the session, questions and debate were not allowed. The bill was soundly defeated, 29-68.

Closing SORC

Throughout the session, several issues arose over the Southern Oklahoma Resource Center and the Northern Oklahoma Resource Center of Enid, DHS facilities for persons with developmental disabilities. First, a rule was passed quietly through the DHS Commission to weaken guardian rights in placing family members. When the change was *(Continued On Page 15)*

OPEA Draws Interest At Lawton Veterans Center

Employees at the Lawton Veterans Center came out in force for OPEA at a recent meeting held with Oklahoma Public Employees Association Membership Representative Rick Allen.

Allen pointed out that most of the employees who joined OPEA at the meeting came from a competing association and were interested in supporting an organization that better fits their beliefs.

“I was a member of Communication Workers of America/Oklahoma State Workers Union. OPEA is run by Oklahoma state employees for state employee members,” Julie McBride commented.

Derven Hunter agreed: “I want an association such as OPEA that has Oklahoma employees as its focus. I don’t really concern myself with out-of-state employee agendas. I was a CWA member until today.”

Diana Peck joined OPEA because “OPEA promotes fair treatment for all state employees, no matter what agency or position they hold.”

“Honesty goes a long way with me. I believe in OPEA. I also believe OPEA has a good plan for meeting state employees’ objectives,” Kelli Craig added.

Stacy Gerald, Candice Fletcher, Patrice Mooney, Gail South, Kelvin Morgan, Margret Rosado and Jackie Townsend agreed that, “OPEA is basic representation for the good of state employees.”

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discovered by an OPEA member at SORC, OPEA worked with guardians and legislators to have the rule recalled from the governor's desk, preserving client families' rights to choose the state-run facilities for their loved ones.

In a behind-the-scenes move the Friday evening before the session ended, legislators amended HB 2456 in the House General Conference Committee on Appropriations to include language that would close SORC. The embattled center has been through both a voluntary buyout and reduction-in-force process recently and had lost much of its staff.

Rep. Lisa Billy, Sen. Susan Paddock, OPEA and the Parent Guardian Association succeeded in stopping the bill and saving the facility. In a Senate GCCA meeting, Sen. Brian Crain, the Senate Health and Human Services Subcommittee chair, revealed the motivation behind the closure, telling members of the committee that private vendors wanted the contract if SORC was closed. In addition, a consultant with connections to another for-profit vendor was to be called to discuss the closure with legislators.

CompSource

During the 2009 legislative session, lobbyists from insurance companies passed HB 2963, which created a task force to study the privatization of CompSource. Its meetings overflowed with insurance company lobbyists offering their "expertise" and testimony.

Sen. Cliff Aldridge and Rep. Dan Sullivan were vice chairs, and one member was Lee Ann Alexander of Liberty Mutual. Her advocacy for the privatization of CompSource caused OPEA to sever its relationship with Liberty Mutual.

The task force report was inconclusive, both Aldridge and Sullivan put privatization in legislation and President Pro Tempore of the Senate Glenn Coffee produced a similar bill. Rep. David Dank sponsored legislation that would reorganize CompSource so it could remain public.



OPEA Membership Representative Jimmy Durant spoke to the Pauls Valley city council in June about saving the Southern Oklahoma Resource Center.

CompSource, formerly the State Insurance Fund, was created in 1933 to provide workers' compensation insurance to small businesses and state and local governments and currently has 35 percent of the Oklahoma market. Governments, school districts and higher education purchase workers' comp insurance from CompSource, and 70 percent of its participants are small businesses.

OPEA, the State Chamber and various governmental jurisdictions opposed and helped kill the bills to privatize CompSource. However, HB 2658 (Sullivan, Coffee), which would have let state agencies obtain workers' compensation insurance on the open market or self-insure and extended the task force for another year, reached the governor's desk. Henry vetoed it.

Christmas Holiday

Legislation that would provide an additional day off for state employees during Christmas encountered little opposition. HB 3052 (Kirby, Lamb) provides state employees with two days off for Christmas, regardless of what day of the week the holiday falls. Currently, state employees get two days only when Christmas is on a Tuesday or Thursday. Service to the public would be minimally impacted by the bill because, traditionally, people do not visit or call state agencies on Christmas Eve or the day after Christmas. In addition, state office buildings would be closed an extra day, providing savings on utilities.

Statewide VOBO

HB 2363 (Mike Johnson, Miller) allows state agencies to access a special fund to pay for voluntary out benefit offers.

Under the provisions of HB 2363, agencies may apply for funds to cover benefits in a one-time VOBO offer. The funds will be limited to a total of \$22 million. Employees must be eligible for retirement, and agencies must reduce their FTEs for three years by the number of employees who participate in the plan.

The benefits that will be reimbursed through the fund include:

- ✦ Payment equal to 18 months of the health insurance premium for the employee only in a lump sum;
- ✦ The employee's next longevity payment, which is not prorated;
- ✦ A maximum lump-sum payment of \$5,000.

The bill also states legislative intent that agencies use existing funds to enhance the VOBO package, based on years of service.

Left On The Table

Privacy

HB 3382 (Terrill, Sykes), which would protect the birth dates of state employees from public scrutiny, did not receive a final hearing, although OPEA was promised the bill would come out of conference and be sent to the floor. At this time, agencies are allowing employees to decide whether their birth dates are available to *The Oklahoman*, which has asked the state to provide this information for all state employees. This issue will continue in the courts.

COLA

After being assured the retiree cost-of-living adjustment (COLA) was going to come out of conference committee, SB 1637 (Aldridge, Billy) was stopped by legislative leaders during the last few days of the session. OPEA learned that the COLA was killed because SB 1580 (Mike Johnson, Miller) was *(Continued On Page 16)*

OPEA's Legislative Journey *(Continued From Page 1)*

benefit allowance, OPEA took quick action to freeze the benefit in place. Consultants had recommended that the state move to a single HMO system that would give all state employees additional choices in insurance. OPEA learned, however, that Aetna would not be submitting a bid and, as a result, the state employee benefit allowance would collapse.

Working with House staff, the Oklahoma Education Association, the Oklahoma State and Education Employees Group Insurance Board and others, OPEA helped craft a compromise bill that would save the state benefit allowance at its current level and provide options in rural areas, where state employees did not have a choice of insurance plans. While not a perfect solution, OPEA believed that saving state employee benefit dollars could not wait.

Meanwhile, bills attacking protections against privatization of state services were being formulated by legislators at the request of Commissioner of Mental Health and Substance Abuse Services Terri White.

OPEA fought valiantly to stop the privatization of the state's mental health safety net but fell short after White lobbied legislators in support of her scheme.

OPEA was successful in defeating HB 2999 on the first vote in the Senate, 21-25, but Sen. Tom Adelson, D-Tulsa, held the bill on a motion to reconsider, providing more time to change legislators' minds.

HB 2999 would change the description of DMHSAS facilities from "shall be



OPEA members at the Creek County DHS office listened intently as legislators spoke at an OPEA-hosted lunch May 7. Lawmakers on hand included Sen. Brian Bingman and Reps. Skye McNeil and Mark McCullough.

maintained for residents of the state" to "may be maintained for residents of the state," allowing DMHSAS to close or privatize any or all of its 12 facilities without legislative oversight. The Legislature previously had established that DMHSAS' 12 state-operated facilities would provide a safety net for essential services, with amendments being deliberated by state policymakers, not by a non-elected official.

In a letter from White to legislators, she unveiled her intentions:

"Oklahoma is divided into 17 catchment areas, each served by a community mental health center," she wrote.

"Those 17 areas will continue to be covered with services, delivered locally, by a CMHC, but the CMHC may or may not be state-operated."

OPEA was successful in passing HB 3052 – the Holiday Bill. The legislation, which gave state employees two days to

spend with their families during Christmas, passed the House and Senate without opposition.

"Very seldom does the Association get everything we ask for. We did not in this case, but this was one of the most unusual legislative years we've ever seen," said Zearley. "Members can be proud of OPEA for finding the best solutions to the budget disaster while fighting to preserve the benefit allowance, as well as our rights."

Zearley pointed to unsuccessful efforts to help state retirees as the biggest disappointment of the session. OPEA, along with retired teachers and firefighters, fought to convince legislative leaders to grant a cost-of-living adjustment for retirees. Aldridge and Billy provided support, but, in the end, their efforts failed.

The Association has begun identifying problems with the budget agreement, which OPEA believes will quickly unravel.

"Our assessment of the budget is less enthusiastic than many others," said Zearley. "It appears to be a house of cards which will begin to

crumble beginning in July. Our members should position themselves to fight the possibility of another budget failure if revenues start to lag early. We must be ready to fight to keep our standard of living, or it will be easy to balance the budget on state government again."

"Our assessment of the budget is less enthusiastic than many others. It appears to be a house of cards which will begin to crumble beginning in July."
- OPEA Executive Director Sterling Zearley

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passed to put a moratorium on the increase in the contribution rate to OPERS. According to Capitol sources, the idea was championed by DHS Director Howard Hendrick, who has been vocal in his opposition to COLAs for retirees. While retirees in all state systems were denied a COLA, the issue is of

particular concern for OPERS retirees because the system lost contributions.

Vetoed

After a year of meetings and discussions during the session, the Legislature rolled out SB 2052 (Coffee and Bengé) to reform state employee insurance. Dealing

predominantly with the structure of the state and education insurance programs, SB 2052 changed the benefit allowance calculation to prevent state employees from losing benefit dollars in the 2011 plan year. The bill was vetoed by Gov. Henry, who said it had not been considered throughout the legislative session.