

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 179

BY: WEEDN

AS INTRODUCED

AN ACT RELATING TO STATE GOVERNMENT; AMENDING SECTION 113, CHAPTER 203, O.S.L. 1985, AS AMENDED BY SECTION 1, CHAPTER 85, O.S.L. 1988 (74 O.S. SUPP. 1990, SECTION 840.7a), WHICH RELATES TO LEAVE BENEFITS; MODIFYING STATUTORY REFERENCE; PROVIDING FOR SICK LEAVE BANK FOR CERTAIN LEAVE ACCRUED; STATING PROCEDURES FOR USE OF SICK LEAVE BANK; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 113, Chapter 203, O.S.L. 1985, as amended by Section 1, Chapter 85, O.S.L. 1988 (74 O.S. Supp. 1990, Section 840.7a), is amended to read as follows:

Section 840.7a The Administrator of the Office of Personnel Management shall promulgate such emergency and permanent rules regarding annual leave and sick leave as are necessary to assist the state and its agencies in the equitable implementation of the State Disability Insurance Program. Such rules shall be so designed as to provide for coordination between leave accrual, leave accumulation, leave use, and eligibility for disability insurance coverage, such disability insurance coverage to be determined by the State Employees Group Health, Dental and Life Insurance Board.

The Office of Personnel Management, in adopting new rules, amending rules and repealing rules, shall ensure that the following provisions are incorporated:

1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance with the schedule outlined below. Leave will be accrued on a monthly basis and prorated, as appropriate, for less than full-time service.

2.	ACCRUAL RATES		ACCUMULATION LIMITS	
	Years of Services	Annual Leave	Sick Leave	Annual Sick Leave
Persons employed	0-5 yrs =	15 day/yr	15 days	30 days 130
	5-20 yrs =	18 day/yr	per year	60 days days
	over 20 yrs =	20 day/yr		60 days

All accrued annual and sick leave and all leave eligibility under Merit System Rules 6.2.5 and 6.3.15 which is in excess of these limits shall not be reduced or eliminated as a result of these rule changes.

3. Employees entering on duty in eligible status and eligible employees reinstated or reemployed following a break in service on or after July 1, 1985, shall accrue annual and sick leave in accordance with the provisions of paragraph 2 of this section on and after ~~the effective date of this act~~ July 1, 1988, but shall not be entitled to any additional leave for the period between July 1, 1985, and ~~the effective date of this act~~ July 1, 1988, as a result of the provisions of this ~~act~~ section,

4. Temporary employees and other limited term employees are ineligible to accrue, use, or be paid for sick leave and annual leave. Such employees shall be eligible for paid holiday leave at the discretion of the appointing authority, and

~~5. This act is not intended to mandate the amendment of any rule of the Office of Personnel Management except as provided herein.~~

5. Unused sick leave earned after August 1, 1959 which has been canceled as a result of limits on leave accumulations, shall be accrued in what shall be known as a "Sick Leave Bank". In the event of an extended illness during which an employee, who has such leave accrued in his or her Sick Leave Bank, and has used all other accumulated leave available, he or she may have all or part of any such leave in his or her Sick Leave Bank reinstated upon written application by the employee to the Appointing Authority.

If the full amount of such reinstated leave is not used before the employee returns to work, any balance shall revert back to his or her Sick Leave Bank and shall be unavailable unless it is reinstated again in accordance with this section. To be eligible for use of leave accrued in a Sick Leave Bank, an employee shall be required to furnish medical statements of illness and treatment from his or her attending physician.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-360A

MJF