

ENROLLED SENATE
BILL NO. 974

By: Haney and Hobson of the
Senate

and

Hamilton and Settle of the
House

An Act relating to state officers and employees;
amending 74 O.S. 1991, Section 840.7a, as
renumbered by Section 54, Chapter 242, O.S.L. 1994,
and as last amended by Section 2 of Enrolled House
Bill No. 2860 of the 2nd Session of the 46th
Oklahoma Legislature, which relates to Oklahoma
Personnel Act; allowing discretionary paid holidays
for certain employees; amending 74 O.S. 1991,
Section 3601, as last amended by Section 11 of
Enrolled Senate Bill No. 970 of the 2nd Session of
the 46th Oklahoma Legislature, which relates to
number of employees and compensation; increasing
salary for certain chief executive officers; and
providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.7a, as
renumbered by Section 54, Chapter 242, O.S.L. 1994, and as last
amended by Section 2 of Enrolled House Bill No. 2860 of the 2nd
Session of the 46th Oklahoma Legislature, is amended to read as
follows:

Section 840-2.20 A. The Administrator of the Office of
Personnel Management shall promulgate such emergency and permanent
rules regarding leave and holiday leave as are necessary to assist
the state and its agencies.

The Administrator of 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. Years of service shall be based on cumulative periods of employment calculated in the manner that cumulative service is determined for longevity purposes pursuant to Section 840-2.18 of this title.

2. a. The following accrual rates and accumulation limits apply to eligible employees who initially enter into the state service prior to July 1, 1996, and who have less than ten (10) years' cumulative service:

	ACCRUAL RATES		ACCUMULATION LIMITS
	Cumulative		
	Years of	Annual	Annual
	Service	Leave	Leave
Persons employed 0-5 yrs =	15 day/yr	15 days/yr	30 days
5-10 yrs =	18 day/yr	15 days/yr	60 days

- b. The following accrual rates and accumulation limits apply to eligible employees who either:

- (i) initially enter into the state service prior to July 1, 1996, and who have ten (10) years or more cumulative service, or
(ii) initially enter into the state service on or after July 1, 1996:

	ACCRUAL RATES		ACCUMULATION LIMITS
	Cumulative		
	Years of	Annual	Annual
	Service	Leave	Leave
Persons employed 0-5 yrs =	10 day/yr	15 days/yr	30 days
5-10 yrs =	15 day/yr	15 days/yr	60 days
10-20 yrs =	20 day/yr	15 days/yr	60 days
over 20 yrs =	25 day/yr	15 days/yr	60 days

All accrued annual leave and all leave eligibility under O.A.C. 530:10-15-11(b) (5) which is in excess of annual leave limits shall not be reduced or eliminated as a result of these rule changes.

3. 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.

4. Employees shall not be entitled to retroactive accumulation of leave as a result of amendments to this section. Effective September 1, 1994, employees shall be eligible to accrue leave pursuant to paragraph 1 of this subsection.

5. The Administrator of the Office of Personnel Management and the Executive Director of the Oklahoma Merit Protection Commission shall cooperate to assist agencies in developing policies to prevent violence in state government workplaces without abridging the rights of state employees. Such policy shall include a paid administrative leave provision as a cooling-off period which the Administrator of the Office of Personnel Management is authorized to provide pursuant to the Administrative Procedures Act. Such leave shall not be charged to annual or sick leave accumulations.

6. State employees who terminated their employment in the state service on or after October 1, 1992, may be eligible to have sick leave accrued at the time of termination of employment restored if they return to state employment, provided that the state employees' enter-on-duty dates for reemployment occur on or before two (2) years after their termination of employment and they are eligible to accrue sick leave before the two (2) years expire.

7. Persons subject to the University Hospitals Authority Model Personnel System shall be exempt from the provisions of this section.

B. Nothing in the Oklahoma Personnel Act is intended to prevent or discourage an appointing authority from disciplining or terminating an employee due to abuse of leave benefits or absenteeism. Appointing authorities are encouraged to consider attendance of employees in making decisions regarding promotions, pay increases, and discipline.

C. Upon the transfer of a function in state government to an entity outside state government, employees may, with the agreement of the outside entity, waive any payment for leave accumulations to which the employee is entitled and authorize the transfer of the leave accumulations or a portion thereof to the outside entity.

SECTION 2. AMENDATORY 74 O.S. 1991, Section 3601, as last amended by Section 11 of Enrolled Senate Bill No. 970 of the 2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 3601. A. For purposes of Sections 3601 through 3603 of this title, the term employee means a full-time employee or any number of part-time employees whose combined weekly hours of employment equal those of a full-time employee, but shall not include temporary employees working on a seasonal basis between May 1 and October 31.

B. The maximum number of full-time-equivalent employees for each of the following agencies, boards, commissions, departments, or programs shall not exceed the numbers specified in this section during the fiscal year ending June 30, 1998, except as may be authorized pursuant to the provisions of Section 3603 of this title. The salary of the chief executive officer for each of the following agencies, boards, commissions, departments, or programs shall not exceed the amount specified, per annum, payable monthly, for the fiscal year ending June 30, 1998.

	MAXIMUM NUMBER OF FULL-TIME-EQUIVALENT EMPLOYEES	MAXIMUM ANNUAL SALARY FOR CHIEF EXECUTIVE OFFICER
Board of Managers of the State Insurance Fund	591	\$94,000.00
Oklahoma Employment Security Commission	1150	\$78,991.00
Public Accountancy Board	8	\$53,552.00
Board of Governors of Licensed Architects and Landscape Architects	4	\$40,759.00
Board of Chiropractic Examiners	2	\$28,250.00
Cosmetology Board	16	\$35,000.00
Board of Governors of Registered Dentists	5	\$37,226.00
Embalmers and Funeral Directors Board	5	\$55,000.00
Professional Engineers and Land Surveyors Board	7	\$42,763.00
Oklahoma State Board of Medical Licensure and Supervision/Podiatry Board/State Board of Examiners of Perfusionists	29	\$75,000.00
Commission on Marginally Producing Oil and Gas Wells	3	\$54,000.00
Oklahoma Motor Vehicle Commission	4	\$49,931.00
Oklahoma Board of Nurse Registration and Nursing Education	20	\$57,991.00
Nursing Homes Board	4	\$42,943.00
Optometry Board	1	
Board of Osteopathic Examiners	5	\$60,000.00
Oklahoma Peanut Commission	2	\$45,121.00
State Board of Pharmacy	9	\$59,531.00
Psychologists Board	2	\$32,656.00
Real Estate Commission	26	\$56,000.00
Speech Pathology and Audiology Board	1	\$11,314.00
Oklahoma Used Motor Vehicle and Parts Commission	10	\$49,905.00

Board of Veterinary Medical Examiners	4	\$30,750.00
Oklahoma Wheat Commission	7	\$49,931.00
Firefighters Pension and Retirement System	11	\$75,000.00
Police Pension and Retirement System	7	\$75,000.00
Oklahoma Teachers' Retirement System	40	\$76,032.00
Oklahoma Public Employees Retirement System	48	\$76,032.00
Student Loan Authority	45	\$94,741.00
Oklahoma Industrial Finance Authority/Oklahoma Development Finance Authority	15	\$91,178.00
State and Education Employees Group Insurance Board	165	\$89,491.00
Oklahoma Capital Investment Board	4	\$74,000.00
Social Workers Board	1	\$31,950.00
State Employees Benefit Council	24	\$72,291.00
Grand River Dam Authority	524	\$97,658.00

C. The duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Oklahoma Public Employees Retirement System Board of Trustees by law shall be set by the said Board of Trustees.

D. Temporary employees of the Oklahoma Used Motor Vehicle and Parts Commission between the dates of November 1 and January 31 annually shall not be counted toward the maximum number of full-time-equivalent employees provided for in this section.

E. Any salary increases provided for by law for chief executive officer positions in this section shall be made regardless of any salary limitation set by this section.

SECTION 3. This act shall become effective July 1, 1998.