

SHORT TITLE: State employees; deleting annual leave limits.
Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1197

By: Monson

AS INTRODUCED

An Act relating to state 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 4, Chapter 320, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-2.20), which relates to leave benefits; deleting cap on annual leave limits; providing an effective date; and declaring an emergency.

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 4, Chapter 320, O.S.L. 1996 (74 O.S. Supp. 1997, Section 840-2.20), is amended to read as follows:

Section 840-2.20 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 and Education Employees Group Health, Dental and Life Insurance Board.

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 Service	Annual Leave	Sick Leave	Annual 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 Service	Annual Leave	Sick Leave	Annual 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 section.

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.

SECTION 2. This act shall become effective July 1, 1998.

SECTION 3. 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.

46-2-2324

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