

ENGROSSED SENATE
CONCURRENT
RESOLUTION NO. 38

By: Leftwich, Herbert and
Brown of the Senate

and

Paulk of the House

A Concurrent Resolution requesting the Governor of the State of Oklahoma to adopt an executive order providing for paid administrative leave for certain state employees injured by the May 3, 1999, tornadoes; providing requirements for eligibility; providing for verification of injuries; allowing waiver of verification; providing limitations on paid administrative leave; providing for reinstatement of certain leave taken; providing for compensation for certain leave taken; defining terms; and directing distribution.

WHEREAS, the tornadoes that struck the state of Oklahoma on May 3, 1999, caused catastrophic damage to the people and property of this state;

WHEREAS, many of those persons who incurred injuries and damage by the tornadoes are state employees;

WHEREAS, many of these state employees need time to take care of their affairs in light of the damage caused by these tornadoes;

WHEREAS, current law allows state employees to take paid enforced leave for up to ten (10) days for such emergencies and such leave shall be charged against the employee's accumulated sick leave.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 1ST SESSION OF THE 47TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the Legislature requests the Governor to adopt an executive order providing paid administrative leave for certain state employees affected by the May 3, 1999, tornadoes with the following provisions:

A. A classified or unclassified state employee of a state agency who suffered physical, mental, or emotional injury to themselves or a relative within the third degree of consanguinity or affinity or who suffered property damage, due to the tornadoes which occurred in this state on May 3, 1999, and who is necessarily absent from work because of the physical injury to themselves or such relatives or who needs time to recover their property and take care of their affairs related to the damage caused by said tornadoes, shall be granted paid administrative leave pursuant to the provisions of this resolution. Paid administrative leave granted pursuant to the provisions of this resolution shall not be accrued or accumulated nor charged to sick or annual leave.

B. To be eligible for paid administrative leave, an employee shall request leave pursuant to the provisions of this resolution on the appropriate agency form.

C. Paid administrative leave for state employees pursuant to this resolution who suffered property loss and/or whose relative(s), as defined in this act, suffered physical injury, shall not exceed fifteen (15) working days and may occur from May 3, 1999, to August 1, 1999.

D. For periods of absence exceeding three (3) consecutive working days, for state employees who suffered physical, mental, or emotional injury, pursuant to this section, the employee shall:

1. Submit a statement to the Appointing Authority which is signed by a physician or a qualified mental health professional, as defined, in subsection I of this section. The statement shall provide verification that the employee suffered physical, mental or emotional harm as the result of the tornadoes of May 3, 1999, and that, because of the injury suffered, the employee is necessarily absent from work. The statement also shall include the date the employee is expected to return to work; and

2. At the time the employee returns to work, submit a release-to-return-to-work statement to the Appointing Authority, which is signed by a physician or qualified mental health professional.

E. The Appointing Authority may waive the requirements of subsection D.

F. State employees, who suffered physical, mental, or emotional injury, pursuant to this resolution, shall be eligible for paid administrative leave in addition to other leave provided under this resolution, if applicable. The Appointing Authority may require verification if leave granted pursuant to this subsection exceeds twenty-four (24) hours in a thirty-day-pay period, in accordance with subsection D of this section before granting additional paid administrative leave. Paid administrative leave pursuant to this subsection shall not be authorized after May 3, 2000.

G. A state employee who requires a medical procedure related to a physical injury suffered as a result of the tornadoes, which is scheduled after May 3, 2000, shall be granted paid administrative leave pursuant to the provisions of this subsection. To be eligible for paid administrative leave after May 3, 2000, the employee shall submit, at the time he or she requests paid administrative leave pursuant to the provisions of this subsection, a statement to the Appointing Authority which is signed by a physician, as defined in subsection I of this section, describing the required medical procedure and the date it is scheduled to occur. An Appointing Authority shall not grant paid administrative leave pursuant to the provisions of this subsection after May 3, 2001.

H. Annual leave, sick leave, or compensatory time, which was charged to any state employee entitled to paid administrative leave pursuant to the provisions of this resolution, shall be reinstated. The Appointing Authority may require the employee who suffered a physical injury to provide appropriate documentation which conforms to the requirements of paragraph 1 of subsection D of this section

before approving the reinstatement of leave. A state employee entitled to paid administrative leave pursuant to the provisions of this resolution who was charged leave without pay shall be compensated.

I. As used in this section, "physician" means any person licensed in Oklahoma as a medical doctor, chiropractor, podiatrist, dentist, osteopathic physician, or optometrist, and "qualified mental health professional" means an individual certified or licensed in this state to practice psychiatry, psychology, professional counseling, or social work.

THAT a copy of this resolution be distributed to the Governor of the State of Oklahoma.

Adopted by the Senate the 11th day of May, 1999.

President of the Senate

Adopted by the House of Representatives the ____ day of _____, 1999.

Speaker of the House of Representatives