

ENROLLED HOUSE  
BILL NO. 1140

By: Easley, Askins, Greenwood  
and Paulk of the House

and

Monson of the Senate

An Act relating to state government; amending 74 O.S. 1991, Section 840.7b, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 12, Chapter 283, O.S.L. 1994 (74 O.S. Supp. 1998, Section 840-2.21), which relates to leave without pay for state employees; clarifying insurance coverage for state employees on leave without pay; amending Section 1, Chapter 136, O.S.L. 1994, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1998, Section 840-2.24), which relates to state employee participation in disaster relief services; adding authorization for certain state officers and employees to volunteer for certain disaster relief activities without loss of leave time; amending 74 O.S. 1991, Section 500.7, which relates to the State Travel Reimbursement Act; adding authorization for reimbursement of meal and lodging costs to state officers and employees under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 840.7b, as renumbered by Section 54, Chapter 242, O.S.L. 1994, and as amended by Section 12, Chapter 283, O.S.L. 1994 (74 O.S. Supp. 1998, Section 840-2.21), is amended to read as follows:

Section 840-2.21 A. If a state employee, whether in the classified, unclassified or exempt service, is absent because of an illness or injury arising out of and sustained in the course of his or her employment with the state, and for which workers' compensation benefits have been filed, the employing agency shall place the employee on leave without pay if the employee so requests; provided, leave without pay pursuant to this section shall not for any purpose be considered a break in service.

B. An employee who sustains an illness or injury arising out of and sustained in the course of employment with the State of Oklahoma shall not be required to use either accumulated sick or annual leave during such period prior to being placed on leave without pay pursuant to this section.

C. An employee placed on leave without pay pursuant to the provisions of this section shall continue receiving basic plan

insurance coverage as defined in Section 1363 of this title and dependent insurance benefit allowance pursuant to paragraph 2 of subsection D of Section 1370 of this title paid by the agency during the leave without pay.

D. An employee on leave without pay pursuant to the provisions of this section shall have the right to be returned to his or her original position in accordance with rules promulgated by the Office of Personnel Management. If it is found necessary for the good of the state to fill the position during the period the employee is on leave without pay the employee filling the position shall vacate the position upon the return of the employee on leave without pay, subject to layoff, transfer or demotion rights earned under the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes and rules of the Office of Personnel Management. The right to return to the original position shall expire one (1) year from the date of the start of leave without pay. If the employee has not returned to the original position of the employee or some other position within the agency within one (1) year from the date of the start of leave without pay, the employee may be separated in accordance with the Oklahoma Personnel Act and rules of the Office of Personnel Management.

E. An employee on leave without pay pursuant to the provisions of this section shall provide a medical statement as to his or her ability to perform the duties of the position to the appointing authority at least every three (3) months.

F. If the employee becomes medically able with reasonable accommodation to perform the duties of his or her original position, the employee shall be returned to such position. If the employee is unable to perform the duties of the original position with reasonable accommodation, but is medically able with reasonable accommodation to perform the duties of any other position within the agency for which the employee is qualified, and appointment to such other position does not constitute a promotion, the employee shall have first preference for any such position which becomes vacant within the agency, notwithstanding any other preference provisions of the Oklahoma Personnel Act or of other laws of the State of Oklahoma. An employee accepting another position pursuant to this subsection shall not forfeit his or her right to be returned to the original position within twelve (12) months after the start of leave without pay pursuant to the provisions of subsection D of this section.

G. An ill or injured employee shall be eligible to participate in the Disability Insurance Program established pursuant to the provisions of Section 1331 et seq. of Title 74 of the Oklahoma Statutes in accordance with rules promulgated by the State Employees Group Insurance Board.

H. All benefits, rights, and obligations contained in this section shall continue during the time the employee remains on leave without pay status, for a continuous period not to exceed twelve (12) months. However, if a workers' compensation claim based on such illness or injury is denied during the twelve-month period, all benefits, rights and obligations conferred upon an employee pursuant to this section shall cease and be discontinued immediately.

I. A classified employee who is separated pursuant to subsection D of this section shall be eligible for reinstatement to employment with any state agency for twelve (12) months after the date of separation whether in the classified or unclassified service in accordance with rules adopted by the Administrator of the Office of Personnel Management provided the employee is qualified for the position to which reinstated. An unclassified employee who is separated pursuant to subsection D of this section shall be eligible for reinstatement to unclassified employment with any state agency for twelve (12) months after the date of separation in accordance with rules promulgated by the Administrator of the Office of Personnel Management provided the employee is qualified for the position to which reinstated. Nothing in this subsection shall be construed to compel or require any agency of the state to reinstate a former employee who is separated pursuant to subsection D of this section. Further, nothing in this subsection shall be construed as limiting or reducing a former employee's eligibility for reinstatement pursuant to other general reinstatement or reemployment provisions in rules promulgated by the Administrator.

J. The University Hospitals Authority Model Personnel System shall be exempt from the provisions of this section.

SECTION 2. AMENDATORY Section 1, Chapter 136, O.S.L. 1994, as renumbered by Section 54, Chapter 242, O.S.L. 1994 (74 O.S. Supp. 1998, Section 840-2.24), is amended to read as follows:

Section 840-2.24 A. 1. As used in this ~~section~~ subsection, "disaster" means disasters designated at level III and above in the American Red Cross Regulations and Procedures.

~~B.~~ 2. Any state employee in the executive branch of state government who is a certified disaster service volunteer of the American Red Cross, with the authorization of the chief executive officer of his state agency, may be granted a leave with pay not to exceed fifteen (15) working days in any twelve-month period to participate in specialized disaster relief services within the State of Oklahoma for the American Red Cross, upon the request of the American Red Cross and with the approval of the office of the Governor of this state, without the loss of pay, annual leave, sick leave, accrued overtime wages or compensatory time. The agency shall compensate an employee granted leave time under this section at his regular rate of pay for those regular work hours during which the employee is absent from work.

~~C.~~ 3. Notwithstanding the provision of paragraph 2 of this subsection ~~B of this section~~, state employees certified as disaster volunteers shall not exceed five hundred (500) participants at any one time. A list of such employees will be coordinated with the Department of Civil Emergency Management and the office of the Governor of this state. Within sixty (60) days of any request made by the American Red Cross, a report shall be prepared by the American Red Cross and submitted to the Governor's office stating the reasons and needs for any request made.

B. Any state officer or employee in the executive branch of state government authorized by the employing agency of the officer or employee to volunteer in a disaster relief activity during a presidentially declared national disaster in Oklahoma after May 1, 1999, for a period of not more than six (6) months after the date of

the presidentially declared national disaster, shall not have to use accrued leave or need to make up any time due to the performance of their volunteer activities.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 500.7, is amended to read as follows:

Section 500.7 ~~Travel~~ A. Except as provided in subsection B of this section, travel status for meals and lodging purposes shall be defined as absence from the officer's or employee's home area and/or official station area while performing assigned official duties. Provided however, employees whose duties are normally mobile and statewide or multicounty in nature shall not be deemed to have an official station.

B. State officers or employees directed to participate in their official capacity in a disaster relief activity during a presidentially declared national disaster in Oklahoma after May 1, 1999, for a period of not more than six (6) months after the date of the presidentially declared national disaster, shall be eligible for reimbursement of meal and lodging costs established by the State Travel Reimbursement Act associated with the performance of their duties.

SECTION 4. 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.

Passed the House of Representatives the 12th day of May, 1999.

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Speaker of the House of  
Representatives

Passed the Senate the 13th day of May, 1999.

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President of the Senate