

EHB 1169

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**THE STATE SENATE**  
**Thursday, March 25, 1999**

**ENGROSSED**

**House Bill No. 1169**

ENGROSSED HOUSE BILL NO. 1169 - By: ERWIN, ADAIR, MITCHELL, KIRBY,  
FRAME, HEFNER, MASS and HUTCHISON of the House and SHURDEN,  
LITTLEFIELD and HARRISON of the Senate.

An Act relating to state personnel; 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 1, Chapter 399,  
O.S.L. 1998 (74 O.S. Supp. 1998, Section 840-2.20), which  
relates to state employee leave benefits; modifying leave  
requirements for state employees who are volunteer  
firefighters under certain circumstances; 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 1, Chapter 399, O.S.L. 1998 (74 O.S. Supp. 1998,  
Section 840-2.20), 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        1. Eligible employees who enter on duty or who are reinstated  
 2 after a break in service shall receive leave benefits in accordance  
 3 with the schedule outlined below. Leave will be accrued on a  
 4 monthly basis and prorated, as appropriate, for less than full-time  
 5 service. Years of service shall be based on cumulative periods of  
 6 employment calculated in the manner that cumulative service is  
 7 determined for longevity purposes pursuant to Section 840-2.18 of  
 8 this title.

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

	ACCRUAL RATES			ACCUMULATION
				LIMITS
	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
18	Persons employed 0-5 yrs =	15 day/yr	15 days/yr	30 days
19	5-10 yrs =	18 day/yr	15 days/yr	60 days

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

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

6 ACCRUAL RATES			7 ACCUMULATION
			8 LIMITS
9 Cumulative			
10 Years of	11 Annual	12 Sick	13 Annual
14 Service	15 Leave	16 Leave	17 Leave
18 Persons employed 0-5 yrs =	19 10 day/yr	20 15 days/yr	21 30 days
22 5-10 yrs =	23 15 day/yr	24 15 days/yr	25 60 days
26 10-20 yrs =	27 20 day/yr	28 15 days/yr	29 60 days
30 over 20 yrs =	31 25 day/yr	32 15 days/yr	33 60 days

34 All accrued annual leave and all leave eligibility under O.A.C.  
 35 530:10-15-11(b) (5) which is in excess of annual leave limits shall  
 36 not be reduced or eliminated as a result of these rule changes.

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

41 4. Employees shall not be entitled to retroactive accumulation  
 42 of leave as a result of amendments to this section. Effective  
 43

1 September 1, 1994, employees shall be eligible to accrue leave  
2 pursuant to paragraph 1 of this subsection.

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

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

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

22 8. Employees who are volunteer firefighters pursuant to the  
23 Oklahoma Volunteer Firefighters Act and who are called to fight a

1 fire shall not have to use any accrued leave or need to make up any  
2 time due to the performance of their volunteer firefighter duties.

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

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

14 SECTION 2. This act shall become effective July 1, 1999.

15 SECTION 3. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON GOVERNMENT OPERATIONS & AGENCY  
20 OVERSIGHT, dated 3-23-99 - DO PASS.