

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1363

By: Dickerson

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2001, Section 840-2.15, which relates to certain compensation; providing increased pay for work on holidays; clarifying language; requiring the Administrator of the Office of Personnel Management to establish shift differential amounts; stating criteria; providing for promulgation of rules; 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. 2001, Section 840-2.15, is amended to read as follows:

Section 840-2.15 A. Nonexempt employees as defined by the Fair Labor Standards Act, 29 U.S.C. Section 201, et seq., working in an institutional setting shall receive overtime pay at the rate of one and one-half (1 1/2) times their regular hourly rate for each overtime hour worked. Compensatory time at the rate of one and one-half (1 1/2) hours for each hour worked in lieu of overtime pay may be given to nonexempt employees under certain conditions as provided for and in compliance with the Fair Labor Standards Act, 29 U.S.C., Section 201, et seq. Nonexempt employees who are required to work on a state holiday shall receive pay at the rate of one and one-half (1 1/2) times their regular hourly rate for each hour worked.

B. Any employee receiving compensatory time under the provisions of subsection A of this section shall not be required to take compensatory time off unless the employee requests said leave.

C. An employee receiving compensatory time under the provisions of subsection A of this section shall be permitted to use accrued

compensatory time within one-hundred-eighty (180) days following the pay period in which it was accrued, provided the taking of compensatory time does not unduly impact agency operations or the health, safety or welfare of the public, or endanger public property. Agencies shall not be allowed to extend this one-hundred-eighty-day time period. The balance of any unused compensatory time received but not taken during this time period shall be paid to the employee at the employee's current regular hourly rate.

D. As used in ~~this act~~ the Oklahoma Personnel Act, "~~Institutional~~ institutional setting" shall mean any agency or part of any agency where twenty-four-hour care, monitoring or supervision is required for patients, clients or inmates to protect public health, safety or property.

E. The Administrator of the Office of Personnel Management shall establish shift differential amounts to be used by state agencies. Such shift differential amounts may vary by job family level and shall be comparable to the market for such position. In determining shift differential amounts, the Administrator shall try to ensure that employees working in less than desirable shifts are compensated fairly. The Office of Personnel Management shall promulgate such rules necessary to implement the provisions of this section.

SECTION 2. This act shall become effective July 1, 2002.

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.

48-2-2591

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