

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL 1143

By: Corn

COMMITTEE SUBSTITUTE

[ state employees - amending 74 O.S. 2001, Section 840-2.20, as amended by Section 1, Chapter 145, O.S.L. 2003 (74 O.S. Supp. 2003, Section 840-2.20) - leave - codification - effective date -

emergency ]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.20, as amended by Section 1, Chapter 145, O.S.L. 2003 (74 O.S. Supp. 2003, 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. 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 shall be accrued based upon hours worked, paid leave, and holidays, but excluding overtime, not to exceed the total possible work hours for the month. 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. From the effective date of this act, the following accrual rates and accumulation limits apply to eligible employees as follows:

	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
10-20 yrs	=	20 day/yr	15 days/yr	60 days
over 20 yrs	=	25 day/yr	15 days/yr	60 days

Notwithstanding any other provision of law to the contrary, any amount of annual leave that is accumulated above the four-hundred-eighty-hour limit shall, pursuant to Section 3 of this act, be paid into an employee's individual savings account in the Oklahoma State Employees Medical Savings Trust created pursuant to Section 3 of this act. In addition any sick leave balance not used by a state employee for retirement credit shall be paid into the employee's individual retiree savings account pursuant to Section 3 of this act.

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 subsection.

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.

8. Employees who are volunteer firefighters pursuant to the Oklahoma Volunteer Firefighters Act and who are called to fight a fire shall not have to use any accrued leave or need to make up any time due to the performance of their volunteer firefighter duties.

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1720 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma State Employees Medical Savings Trust Program Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1721 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma State Employees Medical Savings Trust Program. The purpose of this act is to create a trust for eligible state employees to help pay for future qualified medical expenses after termination or retirement from state service.

B. For the purposes of this act the following definitions shall apply:

1. "Eligible state employee" means an appointed officer or employee of the executive, legislative or judicial branch of state government that accumulates annual and sick leave;

2. "Employer contributions" means contributions paid to the trust by a participating employer in an amount equal to the excess annual leave and excess sick leave of its eligible state employees;

3. "Excess annual leave" means the amount of annual leave as of December 31 of each year that is in excess of four hundred eighty (480) hours, beginning with December 31, 2004;

4. "Excess sick leave" means the amount of sick leave upon retirement of an eligible state employee that is not used for retirement credit purposes;

5. "Participating employer" means any entity of state government that employs an eligible state employee; and

6. "Trust" means the Oklahoma State Employees Medical Savings Trust.

C. The Board of Trustees of the Oklahoma Public Employees Retirement System shall create the Oklahoma State Employees Medical

Savings Trust by January 1, 2005, and shall thereafter manage the trust and invest the employer contributions made on behalf of eligible state employees. The trust shall be a tax exempt trust created pursuant to the Internal Revenue Code of 1986, as amended. The Board shall establish in the trust individual employee savings accounts for eligible state employees. The purpose of the trust is to make reimbursement to an eligible state employee who has terminated or retired from state service from the eligible employee's individual savings account for all qualifying medical expenses as defined in the Internal Revenue Code of 1986, as amended.

D. A participating employer shall pay into the trust all excess annual leave of its eligible state employees by February 1, 2005, and by February 1 of each year thereafter. A participating employer shall pay all excess sick leave to the trust within sixty (60) days from the date of retirement of an eligible state employee of such participating employer.

E. The Oklahoma Public Employees Retirement System shall promulgate any rules necessary to implement the provisions of this act.

SECTION 4. This act shall become effective July 1, 2004.

SECTION 5. 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.

49-2-2924

SJ

6/12/2015 1:52:57 PM