

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

HOUSE BILL HB1727

By: McIntyre of the House

and

Corn of the Senate

AS INTRODUCED

An Act relating to state employees; requiring implementation of voluntary furlough program prior to involuntary furlough; requiring submission for review and approval; setting maximum furlough leave; allowing appointing authority to designate how leave may be taken; requiring posting of plan; restricting implementation of involuntary furloughs; allowing participation in the voluntary furlough program; specifying treatment of certain benefits; requiring promulgation of rules; allowing certain state employees to take certain leave; requiring request be made by state employee and employee organization; allowing renewal of leave; allowing continuation of health insurance; allowing return to similar employment; providing for treatment of leave; prohibiting cancellation of leave after acceptance; requiring promulgation of rules; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-2.21a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. When an appointing authority is considering implementing an involuntary leave without pay (furlough) of a reduction-in-force in order to reduce expenditures or when it is required because of a temporary decline or cessation of work activities, it shall first implement a voluntary furlough program pursuant to this act. The appointing authority shall submit its plan to the Administrator of the Office of Personnel Management for review and approval.

Voluntary furloughs may be approved for up to sixty (60) days in a twelve-month period. Voluntary furloughs may be made through

shortened work weeks or work days as designated by the appointing authority. The appointing authority shall post its approved voluntary plan throughout the agency for thirty (30) days seeking volunteers to enter the voluntary furlough program. The appointing authority shall evaluate the targeted savings attributed to those volunteers entering the program and may only implement an involuntary furlough if its targeted savings have not been met. Those volunteers shall be allowed to participate in the voluntary furlough program, pursuant to this act, even if an involuntary furlough is required of other employees of the appointing authority.

B. Annual and sick leave accrual, health benefits, retirement service credit and service for purposes of longevity for employees on voluntary furlough shall not be affected by the time spent on voluntary furlough.

C. The Administrator of the Office of Personnel Management may promulgate any rules necessary to implement the provisions of this section.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-2.21b of Title 74, unless there is created a duplication in numbering, reads as follows:

A permanent classified or a regular unclassified state employee shall be allowed to take leave without pay for up to one (1) year if elected or appointed to an employee organization upon permission from the appointing authority. The request for this leave must be made by the state employee and the employee organization. The leave may be extended upon permission from the appointing authority. The denial by an appointing authority of organizational leave shall be in writing and state the reasons for denying the leave. When a state employee is in leave status pursuant to this section, the employee shall be entitled to maintain the health insurance that the employee had as a state employee pursuant to the rules promulgated by the State and Education Employees Group Insurance Board. The

employee shall be entitled to be returned by the appointing authority to a position in the same job family and level as the original position and in the same geographical area unless waived by the employee. This leave shall not be considered a break in service for any purpose. Once approved, the appointing authority may not cancel the leave granted pursuant to this section. The Administrator of the Office of Personnel Management may promulgate any rules necessary to implement the provisions of this section.

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.

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