ENROLLED SENATE
BILL NO. 1088

By: Bass, Easley, Gumm and Leftwich of the Senate

and

Coody, Duncan, Steele, Hilliard, Billy, Blackwell, Brannon, Dorman, Peters, Peterson (Ron), Pruett, Rousselot, Smithson, Terrill, Tibbs, Trebilcock, Wesselhoft and Worthen of the House

An Act relating to state employees; amending 72 O.S. 2001, Section 48, as last amended by Section 5, Chapter 212, O.S.L. 2003 (72 O.S. Supp. 2005, Section 48), which relates to leave of absence; modifying length of paid leave for certain employees; and declaring an emergency.

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

SECTION 1. AMENDATORY 72 O.S. 2001, Section 48, as last amended by Section 5, Chapter 212, O.S.L. 2003 (72 O.S. Supp. 2005, Section 48), is amended to read as follows:

Section 48. All officers and employees of the state or a political subdivision thereof who are members, either officers or enlisted, of the ~~Reserve Components, to include the Army and Air~~ National Guard ~~and the Army, Navy, Air Force, Marine Corps, and Coast Guard Reserves,~~ or any ~~other component of the Armed Forces~~ branch of the United States Military or its reserve components, shall, when ordered by the proper authority to active or inactive duty or service, be entitled to a leave of absence from such civilian employment for the period of such service without loss of status or seniority. During the first ~~twenty (20)~~ thirty (30) calendar days for employees of political subdivisions or the first ~~twenty (20)~~ thirty (30) regularly scheduled work days for state employees of such leave of absence in any federal fiscal year, the officers or employees shall receive their full regular pay from the employing state agency or political subdivision. During the remainder of such leave of absence in any federal fiscal year, the employing state agency or political subdivision may elect to pay the officer or employee an amount equal to the difference between their full regular pay from the employing state agency or political subdivision and their military pay, except that state officers and employees shall receive the difference between their full regular

pay and their Reserve Components pay when they are ordered by proper authority to active or inactive service retroactive to the date that the officer or employee reported to active service on or after September 11, 2001, during the period that Operation Enduring Freedom is in effect. The durational limit of protected military service as provided for in this section shall not be less than that provided by federal law. If it is necessary in the public interest to provide for the performance of the duties of their positions during such absence, the authority having power to fill a vacancy in the positions may appoint substitutes, to be known as acting incumbents, who shall qualify as required for the regular incumbents and shall receive the same pay, including benefits and pay adjustments as fixed by law, if any, or otherwise such pay, including benefits and pay adjustments, as may be fixed by proper authority.

The Office of Personnel Management shall promulgate rules as necessary to implement the provisions of this section that relate to state employees.

SECTION 2. 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 Senate the 18th day of May, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the 17th day of April, 2006.

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Presiding Officer of the House
of Representatives