

ENROLLED SENATE
BILL NO. 1686

By: Lerblance of the Senate

and

Liotta, Smithson, Brannon,
Terrill, Worthen and
Balkman of the House

An Act relating to state government; amending 74 O.S. 2001, Section 840-2.15, as amended by Section 2, Chapter 176, O.S.L. 2005 (74 O.S. Supp. 2005, Section 840-2.15), which relates to overtime and compensatory time; clarifying lack of prohibition on employers; providing overtime for certain employees for certain hours worked; 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, as amended by Section 2, Chapter 176, O.S.L. 2005 (74 O.S. Supp. 2005, Section 840-2.15), is amended to read as follows:

Section 840-2.15 A. The federal Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., provides for minimum standards for both wages and overtime entitlement, and spells out administrative procedures by which covered work time must be compensated. This section is not a comprehensive listing of the provisions of the Fair Labor Standards Act and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. Nothing in this title or the federal Fair Labor Standards Act shall be construed to prohibit an employer from paying an employee who is required to work on a holiday, as defined in Section 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate of two times the employee's regular hourly rate, or from rescheduling the holiday at the discretion of the appointing authority; provided, however, any state employee who is required to work on a holiday, as defined in Section 82.1 of Title 25 of the Oklahoma Statutes, in the performance of fire suppression duties shall receive holiday pay at a rate of two times the employee's regular hourly rate.

B. Any employee receiving compensatory time consistent with the provisions of the federal Fair Labor Standards Act shall exhaust such compensatory time prior to the taking of annual leave, except where the employee is subject to losing such annual leave due to the application of the accumulation limits in Section 840-2.20 of this title.

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 for employees in an institutional setting. 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 section, "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.

SECTION 2. This act shall become effective July 1, 2006.

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.

Passed the Senate the 19th day of May, 2006.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of May, 2006.

Presiding Officer of the House
of Representatives

