

3 Senate Bill No. 1088

4 SENATE BILL NO. 1088 - By: BASS, EASLEY, GUMM and LEFTWICH of the  
5 Senate and COODY of the House.

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

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

12 SECTION 1. AMENDATORY 72 O.S. 2001, Section 48, as last  
13 amended by Section 5, Chapter 212, O.S.L. 2003 (72 O.S. Supp. 2004,  
14 Section 48), is amended to read as follows:

15 Section 48. All officers and employees of the state or a  
16 political subdivision thereof who are members, either officers or  
17 enlisted, of the Reserve Components, to include the Army and Air  
18 National Guard and the Army, Navy, Air Force, Marine Corps, and  
19 Coast Guard Reserves, or any other component of the Armed Forces of  
20 the United States, shall, when ordered by the proper authority to  
21 active or inactive duty or service, be entitled to a leave of  
22 absence from such civilian employment for the period of such service  
23 without loss of status or seniority. During the first ~~twenty (20)~~  
24 thirty (30) calendar days for employees of political subdivisions or  
25 the first ~~twenty (20)~~ thirty (30) regularly scheduled work days for  
26 state employees of such leave of absence in any federal fiscal year,

1 the officers or employees shall receive their full regular pay from  
2 the employing state agency or political subdivision. During the  
3 remainder of such leave of absence in any federal fiscal year, the  
4 employing state agency or political subdivision may elect to pay the  
5 officer or employee an amount equal to the difference between their  
6 full regular pay from the employing state agency or political  
7 subdivision and their military pay, except that state officers and  
8 employees shall receive the difference between their full regular  
9 pay and their Reserve Components pay when they are ordered by proper  
10 authority to active or inactive service retroactive to the date that  
11 the officer or employee reported to active service on or after  
12 September 11, 2001, during the period that Operation Enduring  
13 Freedom is in effect. The durational limit of protected military  
14 service as provided for in this section shall not be less than that  
15 provided by federal law. If it is necessary in the public interest  
16 to provide for the performance of the duties of their positions  
17 during such absence, the authority having power to fill a vacancy in  
18 the positions may appoint substitutes, to be known as acting  
19 incumbents, who shall qualify as required for the regular incumbents  
20 and shall receive the same pay, including benefits and pay  
21 adjustments as fixed by law, if any, or otherwise such pay,  
22 including benefits and pay adjustments, as may be fixed by proper  
23 authority.

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

4           SECTION 2. It being immediately necessary for the preservation  
5 of the public peace, health and safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON VETERANS & MILITARY AFFAIRS, dated  
9 2-13-06 - DO PASS, As Coauthored.