

3 Senate Bill No. 1361

4 SENATE BILL NO. 1361 - By: LEFTWICH, EASLEY and GUMM of the Senate  
5 and TERRILL of the House.

6 An Act relating to militia; amending 44 O.S. 2001, Section  
7 209, as last amended by Section 2, Chapter 437, O.S.L. 2005  
8 (44 O.S. Supp. 2005, Section 209), which relates to leave of  
9 absence of public officers and employees; allowing  
10 additional persons to leave of absence; and providing an  
11 effective date.

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

13 SECTION 1. AMENDATORY 44 O.S. 2001, Section 209, as last  
14 amended by Section 2, Chapter 437, O.S.L. 2005 (44 O.S. Supp. 2005,  
15 Section 209), is amended to read as follows:

16 Section 209. All officers and employees of the state or a  
17 political subdivision thereof who are members of the National Guard  
18 or any branch of the United States military, shall, when ordered by  
19 proper authority to active or inactive service, be entitled to a  
20 leave of absence from civil employment for the period of active  
21 service, without loss of status or efficiency rating. During the  
22 first thirty (30) calendar days for employees of political  
23 subdivisions or the first thirty (30) regular scheduled work days  
24 for state employees of the leave of absence in any federal fiscal  
25 year, the officers or employees shall receive their full regular pay  
26 from the employing state agency or political subdivision. During

1 the remainder of the leave of absence in any federal fiscal year,  
2 the employing state agency or political subdivision may elect to pay  
3 them an amount equal to the difference between the officers' or  
4 employees' full regular pay from the employing state agency or  
5 political subdivision and their National Guard or United States  
6 military pay, except that state officers and employees shall receive  
7 the difference between their full regular pay and their National  
8 Guard or United States military pay when they are ordered by proper  
9 authority to active or inactive service retroactive to the date that  
10 the state officer or employee reported to active service on or after  
11 September 11, 2001, during the period that Operation Enduring  
12 Freedom is in effect. The durational limit of protected military  
13 service as provided for in this section shall not be less than that  
14 provided by federal law. If it is necessary in the public interest  
15 to provide for the performance of the duties of their positions  
16 during such absence, the authority having power to fill a vacancy in  
17 the positions may appoint substitutes, to be known as acting  
18 incumbents, who shall qualify as required for the regular incumbents  
19 and shall receive the same pay, including benefits and pay  
20 adjustments, as fixed by law, if any, or otherwise such pay,  
21 including benefits and pay adjustments, as may be fixed by proper  
22 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. This act shall become effective October 1, 2006.

5 COMMITTEE REPORT BY: COMMITTEE ON VETERANS & MILITARY AFFAIRS, dated  
6 2-13-06 - DO PASS, As Coauthored.