

3 Senate Bill No. 1581
4 As Amended

5 SENATE BILL NO. 1581 - By: LEFTWICH of the Senate and TERRILL of the
6 House.

7 [state government - leave benefits - compensation - unused
8 leave - effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.20, as
12 last amended by Section 1, Chapter 437, O.S.L. 2005 (74 O.S. Supp.
13 2005, Section 840-2.20), is amended to read as follows:

14 Section 840-2.20 A. The Administrator of the Office of
15 Personnel Management shall promulgate such emergency and permanent
16 rules regarding leave and holiday leave as are necessary to assist
17 the state and its agencies.

18 The Administrator of the Office of Personnel Management, in
19 adopting new rules, amending rules and repealing rules, shall ensure
20 that the following provisions are incorporated:

21 1. Eligible employees who enter on duty or who are reinstated
22 after a break in service shall receive leave benefits in accordance
23 with the schedule outlined below. Leave shall be accrued based upon
24 hours worked, paid leave, and holidays, but excluding overtime, not
25 to exceed the total possible work hours for the month. Years of

1 service shall be based on cumulative periods of employment
2 calculated in the manner that cumulative service is determined for
3 longevity purposes pursuant to Section 840-2.18 of this title.
4 Employees may accumulate more than the maximum annual leave
5 accumulation limits shown in the schedule below, provided that such
6 excess is used during the same calendar year in which it accrues or
7 within twelve (12) months of the date on which it accrues, at the
8 discretion of the appointing authority. If an employee whose job
9 duties include providing fire protection services, law enforcement
10 services or services with the Department of Corrections is unable to
11 use excess leave as provided for in this paragraph because the
12 employee's request for leave is denied by the employee's appointing
13 authority and the denial of leave is due to extraordinary
14 circumstances such that taking leave could pose a threat to public
15 safety, health or welfare, the employee shall receive compensation
16 at the employee's regular rate of pay for the amount of excess leave
17 the employee is unable to use. Such compensation shall be paid at
18 the end of the time period during which the excess leave was
19 required to have been used.

20 2. From November 1, 2001, the following accrual rates and
21 accumulation limits apply to eligible employees as follows:

22	ACCRUAL RATES	ACCUMULATION
23		LIMITS

	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
4	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
5	5-10 yrs	= 18 day/yr	15 days/yr	60 days
6	10-20 yrs	= 20 day/yr	15 days/yr	60 days
7	over 20 yrs	= 25 day/yr	15 days/yr	60 days

8 3. Temporary employees and other limited term employees are
9 ineligible to accrue, use, or be paid for sick leave and annual
10 leave. Such employees shall be eligible for paid holiday leave at
11 the discretion of the appointing authority.

12 4. Leave earned during a month shall not be available for use
13 until the beginning of the following month.

14 5. Employees shall not be entitled to retroactive accumulation
15 of leave as a result of amendments to this section.

16 6. The Administrator of the Office of Personnel Management and
17 the Executive Director of the Oklahoma Merit Protection Commission
18 shall cooperate to assist agencies in developing policies to prevent
19 violence in state government workplaces without abridging the rights
20 of state employees. Such policy shall include a paid administrative
21 leave provision as a cooling-off period which the Administrator of
22 the Office of Personnel Management is authorized to provide pursuant

1 to the Administrative Procedures Act. Such leave shall not be
2 charged to annual or sick leave accumulations.

3 7. State employees who terminated their employment in the state
4 service on or after October 1, 1992, may be eligible to have sick
5 leave accrued at the time of termination of employment restored if
6 they return to state employment, provided that the state employees'
7 enter-on-duty dates for reemployment occur on or before two (2)
8 years after their termination of employment and they are eligible to
9 accrue sick leave before the two (2) years expire.

10 8. Employees who are volunteer firefighters pursuant to the
11 Oklahoma Volunteer Firefighters Act and who are called to fight a
12 fire shall not have to use any accrued leave or need to make up any
13 time due to the performance of their volunteer firefighter duties.

14 B. Nothing in the Oklahoma Personnel Act is intended to prevent
15 or discourage an appointing authority from disciplining or
16 terminating an employee due to abuse of leave benefits or
17 absenteeism. Appointing authorities are encouraged to consider
18 attendance of employees in making decisions regarding promotions,
19 pay increases, and discipline.

20 C. Upon the transfer of a function in state government to an
21 entity outside state government, employees may, with the agreement
22 of the outside entity, waive any payment for leave accumulations to

1 which the employee is entitled and authorize the transfer of the
2 leave accumulations or a portion thereof to the outside entity.

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

4 SECTION 3. 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 APPROPRIATIONS, dated 2-15-06 - DO
9 PASS, As Amended and Coauthored.