

CS for SB 315

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THE STATE SENATE
Wednesday, March 2, 2005

Committee Substitute for
Senate Bill No. 315

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 315 - By: LEFTWICH of the Senate and TERRILL of the House.

[state government - use of leave benefits - providing use of benefits within specified time period - effective date - emergency]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.20, as last amended by Section 1, Chapter 401, O.S.L. 2004 (74 O.S. Supp. 2004, Section 840-2.20), is amended to read as follows:

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

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

- 1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance with the schedule outlined below. Leave shall be accrued based upon hours worked, paid leave, and holidays, but excluding overtime, not 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. ~~At~~
 4 ~~the discretion of the appointing authority, employees~~ Employees may
 5 accumulate more than the maximum annual leave accumulation limits
 6 shown in the schedule below, provided that such excess is used
 7 ~~during the same year in which it accrues~~ within twelve (12) months
 8 of the date on which it accrues.

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

	ACCRUAL RATES			ACCUMULATION
				LIMITS
	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
16	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
17	5-10 yrs	= 18 day/yr	15 days/yr	60 days
18	10-20 yrs	= 20 day/yr	15 days/yr	60 days
19	over 20 yrs	= 25 day/yr	15 days/yr	60 days

20 3. Temporary employees and other limited term employees are
 21 ineligible to accrue, use, or be paid for sick leave and annual
 22 leave. Such employees shall be eligible for paid holiday leave at
 23 the discretion of the appointing authority.

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

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

5 6. The Administrator of the Office of Personnel Management and
6 the Executive Director of the Oklahoma Merit Protection Commission
7 shall cooperate to assist agencies in developing policies to prevent
8 violence in state government workplaces without abridging the rights
9 of state employees. Such policy shall include a paid administrative
10 leave provision as a cooling-off period which the Administrator of
11 the Office of Personnel Management is authorized to provide pursuant
12 to the Administrative Procedures Act. Such leave shall not be
13 charged to annual or sick leave accumulations.

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

21 8. Employees who are volunteer firefighters pursuant to the
22 Oklahoma Volunteer Firefighters Act and who are called to fight a

1 fire shall not have to use any accrued leave or need to make up any
2 time due to the performance of their volunteer firefighter duties.

3 B. Nothing in the Oklahoma Personnel Act is intended to prevent
4 or discourage an appointing authority from disciplining or
5 terminating an employee due to abuse of leave benefits or
6 absenteeism. Appointing authorities are encouraged to consider
7 attendance of employees in making decisions regarding promotions,
8 pay increases, and discipline.

9 C. Upon the transfer of a function in state government to an
10 entity outside state government, employees may, with the agreement
11 of the outside entity, waive any payment for leave accumulations to
12 which the employee is entitled and authorize the transfer of the
13 leave accumulations or a portion thereof to the outside entity.

14 SECTION 2. This act shall become effective July 1, 2005.

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
20 PASS, As Amended and Coauthored.