

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1296

By: Lamons

AS INTRODUCED

An Act relating to militia; amending 44 O.S. 2001, Section 209, as last amended by Section 1, Chapter 212, O.S.L. 2003 (44 O.S. Supp. 2004, Section 209), which relates to leave of absence for public officers and employees; increasing the number of certain days counted as leave of absence; updating language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 44 O.S. 2001, Section 209, as last amended by Section 1, Chapter 212, O.S.L. 2003 (44 O.S. Supp. 2004, Section 209), is amended to read as follows:

Section 209. All officers and employees of the state or a political subdivision thereof who are members of the National Guard, shall, when ordered by proper authority to active or inactive service, be entitled to a leave of absence from ~~such~~ civil employment for the period of ~~such~~ active service, without loss of status or efficiency rating. During the first ~~twenty (20)~~ thirty (30) calendar days for employees of political subdivisions or the first ~~twenty (20)~~ thirty (30) regular scheduled work days for state employees of ~~such~~ the leave of absence in any federal fiscal year, the officers or employees shall receive their full regular pay from the employing state agency or political subdivision. During the remainder of ~~such~~ the leave of absence in any federal fiscal year, the employing state agency or political subdivision may elect to pay them an amount equal to the difference between the officers' or employees' full regular pay from the employing state agency or

political subdivision and their National Guard pay, except that state officers and employees shall receive the difference between their full regular pay and their National Guard pay when they are ordered by proper authority to active or inactive service retroactive to the date that the state officer or employee reported to active service on or after September 11, 2001, during the period that Operation Enduring Freedom is in effect. The durational limit of protected military service as provided for in this section shall not be less than that provided by federal law. If it is necessary in the public interest to provide for the performance of the duties of their positions during such absence, the authority having power to fill a vacancy in the positions may appoint substitutes, to be known as acting incumbents, who shall qualify as required for the regular incumbents and shall receive the same pay, including benefits and pay adjustments, as fixed by law, if any, or otherwise such pay, including benefits and pay adjustments, as may be fixed by proper authority.

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

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

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.

50-1-5113

MD

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