

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1487

By: Eason McIntyre

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6 AS INTRODUCED

7 An Act relating to the Oklahoma Personnel Act;  
8 amending 74 O.S. 2001, Section 840-2.20, as last  
9 amended by Section 2, Chapter 230, O.S.L. 2006 (74  
10 O.S. Supp. 2007, Section 840-2.20), which relates to  
11 leave benefits; establishing leave for the purpose of  
12 performing certain community service; authorizing  
13 promulgation of rules; and providing an effective  
14 date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.20, as  
17 last amended by Section 2, Chapter 230, O.S.L. 2006 (74 O.S. Supp.  
18 2007, Section 840-2.20), is amended to read as follows:

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

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

1 1. Eligible employees who enter on duty or who are reinstated  
2 after a break in service shall receive leave benefits in accordance  
3 with the schedule outlined below. Leave shall be accrued based upon  
4 hours worked, paid leave, and holidays, but excluding overtime, not  
5 to exceed the total possible work hours for the month. Years of  
6 service shall be based on cumulative periods of employment  
7 calculated in the manner that cumulative service is determined for  
8 longevity purposes pursuant to Section 840-2.18 of this title.  
9 Employees may accumulate more than the maximum annual leave  
10 accumulation limits shown in the schedule below, provided that such  
11 excess is used during the same calendar year in which it accrues or  
12 within twelve (12) months of the date on which it accrues, at the  
13 discretion of the appointing authority. If an employee whose job  
14 duties include providing fire protection services, law enforcement  
15 services or services with the Department of Corrections is unable to  
16 use excess leave as provided for in this paragraph because the  
17 employee's request for leave is denied by the employee's appointing  
18 authority and the denial of leave is due to extraordinary  
19 circumstances such that taking leave could pose a threat to public  
20 safety, health or welfare, the employee shall receive compensation  
21 at the employee's regular rate of pay for the amount of excess leave  
22 the employee is unable to use. Such compensation shall be paid at  
23 the end of the time period during which the excess leave was  
24 required to have been used.

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

	ACCRUAL RATES			ACCUMULATION
				LIMITS
	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
8	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
9	5-10 yrs	= 18 day/yr	15 days/yr	60 days
10	10-20 yrs	= 20 day/yr	15 days/yr	60 days
11	over 20 yrs	= 25 day/yr	15 days/yr	60 days

12 3. Temporary employees and other limited term employees are  
13 ineligible to accrue, use, or be paid for sick leave and annual  
14 leave. Such employees shall be eligible for paid holiday leave at  
15 the discretion of the appointing authority.

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

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

20 6. Community service leave shall be available to all state  
21 employees to encourage volunteerism in support of the schools,  
22 communities, citizens, and nonprofit organizations of this state.  
23 Community service leave shall not accrue, but state employees shall  
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1 be awarded a maximum of twenty-four (24) hours of community leave in  
2 a calendar year for the following purposes:

- 3 a. volunteering one (1) hour per week for mentoring or  
4 tutoring in public or private schools,
- 5 b. volunteering to support children in public or private  
6 schools, day care or preschool programs,
- 7 c. volunteering to support nonprofit organizations  
8 organized under Section 501(c)(3) of the Internal  
9 Revenue Code or human services organizations licensed  
10 or accredited to serve citizens with special needs,  
11 including children, youth, the elderly, and persons  
12 with disabilities, and
- 13 d. parents meeting with a teacher or administrator or to  
14 attend an educational function sponsored by the school  
15 in which the child of the parent is attending that  
16 would conflict with the work schedule of the parent.

17 The Administrator of the Office of Personnel Management shall  
18 promulgate any rules necessary to implement this leave provision.

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

1 the Office of Personnel Management is authorized to provide pursuant  
2 to the Administrative Procedures Act. Such leave shall not be  
3 charged to annual or sick leave accumulations.

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

11 ~~8.~~ 9. Employees who are volunteer firefighters pursuant to the  
12 Oklahoma Volunteer Firefighters Act and who are called to fight a  
13 fire shall not have to use any accrued leave or need to make up any  
14 time due to the performance of their volunteer firefighter duties.

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

21 C. Upon the transfer of a function in state government to an  
22 entity outside state government, employees may, with the agreement  
23 of the outside entity, waive any payment for leave accumulations to  
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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 November 1, 2008.

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