

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3385

6 By: Terrill

7 COMMITTEE SUBSTITUTE

8 (state government - accrual of annual leave in lieu
9 of compensation - eligible employees - procedures -
10 accrual limitations - cash compensation -
11 codification -
12 emergency)

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 840-2.20-1 of Title 74, unless
19 there is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Eligible agency" means:

- 22 a. the Department of Public Safety,
23 b. the Department of Human Services,
24 c. the Department of Transportation,

- d. the Oklahoma Turnpike Authority,
- e. the Office of Juvenile Affairs,
- f. the Department of Mental Health and Substance Abuse Services,
- g. the Department of Corrections, and
- h. the Oklahoma Department of Veterans Affairs;

2. "Eligible employee" means any person employed by an eligible agency who voluntarily performs the duties and responsibilities of the position for an eligible agency during a time period when the employee would otherwise have been furloughed; and

3. "Special annual leave" means the form of compensation in the form of annual leave authorized pursuant to the provisions of this section.

B. For the fiscal year beginning July 1, 2009, and for any fiscal year thereafter, an eligible agency which has filed a furlough plan with the Office of Personnel Management may provide specialized annual leave, in addition to the annual leave authorized pursuant to Section 840-2.20 of Title 74 of the Oklahoma Statutes, to an employee who would otherwise be subject to furlough and who voluntarily works during a time period that the employee would otherwise not have worked because of the furlough plan.

C. No employee shall be required to work during any period of time for which the eligible agency does not have adequate funds to pay the regular compensation to the employee.

1 D. If an employee of an eligible agency elects to work during a
2 time period described by subsection B of this section, the eligible
3 agency shall provide one and one-half (1 1/2) days of specialized
4 annual leave as authorized by this section for each day that an
5 eligible employee works.

6 E. Notwithstanding any other provision of law to the contrary,
7 there shall be no limit on the number of specialized annual leave
8 days provided to an employee pursuant to the provisions of this
9 section. The specialized annual leave authorized by this section
10 shall not be subject to the accrual limitations for annual leave
11 prescribed by Section 840-2.20 of Title 74 of the Oklahoma Statutes.

12 F. Notwithstanding any other provision of law to the contrary,
13 there shall be no restrictions on the time period during which the
14 specialized annual leave authorized by this section may be used by
15 the eligible employee other than a restriction on use of such
16 specialized annual leave during a period of time when an eligible
17 employee would otherwise be furloughed.

18 G. The specialized annual leave authorized by this section may
19 be paid for by an eligible agency in the same manner as authorized
20 by law for payment of annual leave as provided by Section 840-2.20
21 of Title 74 of the Oklahoma Statutes.

22 H. An eligible agency which provides specialized annual leave
23 to an eligible employee pursuant to the provisions of this section
24 shall not be required to pay cash compensation to the employee for

1 work performed during a time period the eligible employee would
2 otherwise have been furloughed.

3 SECTION 2. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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