

THE HOUSE OF REPRESENTATIVES  
Monday, March 2, 2009

House Bill No. 2077

HOUSE BILL NO. 2077 - By: JONES of the House.

An Act relating to state government; amending 74 O.S. 2001, Section 913, as last amended by Section 1, Chapter 136, O.S.L. 2005 (74 O.S. Supp. 2008, Section 913), which relates to service credit in the Oklahoma Public Employees Retirement System; providing for service credit based on certain voluntary furloughs; requiring voluntary work furlough program; requiring submission of plan to Administrator of Office of Personnel Management; prescribing procedures related to furlough; restricting ability to implement involuntary furlough; providing for effect of voluntary furlough; authorizing promulgation of administrative rules; providing for codification; providing an effective date; and declaring an emergency.

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

- 1       SECTION 1.    AMENDATORY    74 O.S. 2001, Section 913, as last amended by  
2    Section 1, Chapter 136, O.S.L. 2005 (74 O.S. Supp. 2008, Section 913), is amended to  
3    read as follows:
- 4       Section 913. A. Prior service shall be credited as follows:
- 5       1. A member shall receive full credit for employment with any participating  
6    employer prior to the entry date of his or her employer whether or not continuous and  
7    whether or not he or she was employed with a participating employer on such entry date,  
8    provided that any member who has retired before the passage of Section 901 et seq. of  
9    this title, shall not receive retirement benefits retroactively for such prior service.
- 10    Provided, that at such time that an employer becomes a participating employer on or

1 after January 1, 1965, and before January 1, 1975, each member and each retirant, upon  
2 making proper written application therefor, shall receive prior service credit for service  
3 with such employer in the same manner as if such participating employer had been a  
4 participating employer on the date first eligible to become a participating employer; and  
5 increased benefits attributable to such increased prior service credit shall commence  
6 with the next monthly benefit payment due following receipt and approval of such  
7 application by the Board of Trustees. No prior service shall be granted, however, for  
8 periods of service in which the employee made contributions which he or she  
9 subsequently withdrew, unless he or she has complied with the provisions of subsection  
10 (5) of Section 917 of this title. The burden of proof regarding prior service shall be with  
11 the member and shall be documented in such manner as the Board may direct;

12 2. Any member who was employed in an institution of higher learning by a State  
13 Board of Regents or who was employed by an Oklahoma school district prior to July 1,  
14 1943, may receive prior service credit under this act for the period of time they were so  
15 employed;

16 3. Any member who served in the Armed Forces of the United States, as defined in  
17 paragraph (23) of Section 902 of this title, prior to membership in the Oklahoma Public  
18 Employees Retirement System shall be granted prior service credit, not to exceed five (5)  
19 years, for those periods of active military service during which he or she was a war  
20 veteran. For a member of the System hired on or after July 1, 2003, if the military  
21 service credit authorized by this paragraph is used to compute the retirement benefit of  
22 the member and the member retires from the System, such military service credit shall

1 not be used to compute the retirement benefit in any other retirement system created  
2 pursuant to the Oklahoma Statutes and the member may receive credit for such service  
3 only in the retirement system from which the member first retires;

4 4. An elective state, county, city or town official who is ineligible for membership as  
5 a result of any applicable state law or constitutional provision making him or her  
6 ineligible solely because of his or her being such an official at the time of his or her  
7 eligibility for membership at the time his or her employer becomes a participating  
8 employer shall nevertheless not forfeit the prior service credit to which he or she would  
9 be entitled except for such ineligibility, provided that he or she either:

- 10 a. becomes an employee of a participating employer within four (4)  
11 calendar months of the expiration of his or her term of office current at  
12 the time of his or her eligibility except for his or her being an elective  
13 state or county official, or  
14 b. within a period of four (4) years after the expiration of his or her term  
15 of office current at the time of his or her eligibility except for his or her  
16 being an elective state or county official, is elected as a state or county  
17 official and thereupon becomes a member of the System, or  
18 c. has completed ten (10) years of credited service as of the date of his or  
19 her eligibility for membership except for his or her being an elective  
20 state or county official;

21 5. Beginning July 1, 1965, all employees of the Department of Human Services  
22 shall participate in the Oklahoma Public Employees Retirement System to the same

1 extent as other employees of participating employers in such System. Provided, that any  
2 employee performing teaching services in the Oklahoma School for the Deaf or the  
3 Oklahoma School for the Blind may elect to participate in the Teachers' Retirement  
4 System of Oklahoma in lieu of the Oklahoma Public Employees Retirement System; and  
5 any other employee at each such institution or any other institution under the  
6 jurisdiction of the Department of Human Services, participating in the Teachers'  
7 Retirement System of Oklahoma, may elect to continue to participate in such system in  
8 lieu of the Oklahoma Public Employees Retirement System. All employees who shall  
9 have participated in the Teachers' Retirement System of Oklahoma and not continuing  
10 therein shall have the right to withdraw their membership from the Teachers'  
11 Retirement System of Oklahoma on the same terms as other members withdrawing from  
12 such System before retirement. Provided, all persons employed at the Oklahoma School  
13 for the Blind and Oklahoma School for the Deaf on June 30, 1965, who became subject to  
14 the Oklahoma Public Employees Retirement System, on July 1, 1965, shall receive credit  
15 for prior service and be eligible for participation, regardless of age;

16 6. A member employed as a temporary employee by the Legislative Service Bureau  
17 or its predecessors, the State Senate or the Oklahoma House of Representatives for the  
18 full duration of a regular legislative session prior to the member's eligibility for  
19 membership in the System shall receive six (6) months of prior service credit for each  
20 such full regular legislative session if the employee is employed by the Legislative  
21 Service Bureau or its predecessors, the State Senate or the Oklahoma House of  
22 Representatives as either a full-time or temporary employee for a minimum of six (6) full

1 regular legislative sessions beginning January 1, 1983. For purposes of this subsection,  
2 the determination of whether an employee is employed for the full duration of a regular  
3 legislative session shall be made by the Legislative Service Bureau if such employee is  
4 employed by the Legislative Service Bureau, the State Senate if such employee is  
5 employed by the State Senate, or by the Oklahoma House of Representatives if such  
6 employee is employed by the Oklahoma House of Representatives;

7 7. A member of the System shall receive prior service credit for any years of service  
8 after January 1, 1975, the member had with a participating employer if the member is  
9 not receiving or eligible to receive such prior service credit for the same time in any other  
10 state or county retirement system authorized by law. To receive the service credit, the  
11 member shall pay the amount determined by the Board pursuant to Section 913.5 of this  
12 title; and

13 8. Any member who is a state employee and receives temporary total disability  
14 benefits during the period of absence with a participating employer due to a work-related  
15 injury or illness incurred while engaged in a governmental function for said participating  
16 employer pursuant to the Workers' Compensation Act shall receive credit for  
17 participating service during said period of absence subject to the following requirements:

- 18 a. the member was employed by the participating employer immediately  
19 prior to and during the period of absence,  
20 b. the member must notify the System in writing not later than four (4)  
21 months after the member's return to his or her job duties with the  
22 participating employer, or termination of employment with the

1 participating employer, or termination of the temporary total disability  
2 benefits, whichever is earlier, of the member's desire to receive  
3 participating service credit for the period of absence,  
4 c. the participating employer must certify to the System in writing the  
5 dates during which temporary total disability benefits payments were  
6 paid to the member, and  
7 d. the member and the participating employer shall each pay their  
8 respective contributions required for the period of absence without  
9 interest within sixty (60) days of invoicing by the System, or with  
10 interest of seven and one-half percent (7 1/2%) compounded annually if  
11 paid after said sixty (60) days.

12 B. Participating service shall be credited as follows:

13 1. A member shall receive credit for participating service with a participating  
14 employer in accordance with the rules and regulations established by the Board;  
15 provided, however, that a member who is not a full-time employee shall receive prorated  
16 credit for actual hours worked;

17 2. Leaves of absence shall not count as a break in continuous employment provided  
18 the member leaves his or her accumulated contribution on deposit with the fund;  
19 however, the leaves of absence shall not be credited except that involuntary furloughs  
20 established by Office of Personnel Management rules shall be credited, as well as  
21 involuntary furloughs of employees of a district attorney conducted in substantial

1 compliance with the rules of the Office of Personnel Management as certified by the  
2 District Attorneys Council;

3 3. Any member who has served in the Armed Forces of the United States, as  
4 defined in paragraph (23) of Section 902 of this title, shall be granted participating  
5 service for those periods of active military service during which he or she was a war  
6 veteran provided this service is immediately preceded by a period of employment with a  
7 participating employer and is followed by return to employment as an employee with the  
8 same or another participating employer within ninety (90) days immediately following  
9 discharge from such military service provided the member leaves his or her accumulated  
10 contributions on deposit with the fund;

11 4. A period of total disability under the System immediately followed by  
12 employment with a participating employer, shall not count as a break in continuous  
13 employment; provided, that such periods while not employed shall not be credited except  
14 that involuntary furloughs established by Office of Personnel Management Rule 6.13,  
15 and voluntary furloughs pursuant to Section 2 of this act, shall be credited;

16 5. Termination of employment with a participating employer followed by  
17 employment with the same or another participating employer within four (4) calendar  
18 months shall not constitute a break in continuous employment; provided, that such  
19 period while not employed shall not be credited as participating service;

20 6. Provided, however, that all employee contributions required by this act made by  
21 employees prior to June 30, 1977, will entitle the employee to additional years of  
22 participating service in accordance with the following schedule.

- 1 Employee accumulated contributions:
- 2 More than \$1.00 up to \$500 = 1 year participating service
- 3 More than \$500 up to \$1,000 = 2 years participating service
- 4 More than \$1,000 up to \$1,500 = 3 years participating service
- 5 More than \$1,500 up to \$2,000 = 4 years participating service
- 6 More than \$2,000 = 5 years participating service

7 In no event shall the employee be entitled to more than five (5) additional years of  
8 participating service as provided hereunder.

9 Provided further, that upon termination of employment prior to retirement, the  
10 accumulated contributions will be credited as above indicated to establish a vested  
11 benefit if so elected by any such employee; and

12 7. The total participating service credit of a member who retires or terminates  
13 employment and elects a vested benefit shall include not to exceed one hundred thirty  
14 (130) days of unused sick leave accumulated subsequent to August 1, 1959, during the  
15 member's employment with any participating employer. Such credit shall be added in  
16 terms of whole months. Twenty (20) days of unused sick leave shall equal one (1) month  
17 for purposes of participating service credit. If unused sick leave entitles a member to an  
18 additional year of service credit, the member's employer shall reimburse the System for  
19 the cost of funding the additional reserve. Each participating employer shall provide the  
20 System with adequate and timely information necessary to determine additional benefits  
21 and its cost under this paragraph. This paragraph shall apply to members retiring or  
22 vesting on or after July 1, 1984.

1 C. In determining the number of years of credited service, a fractional year of six  
2 (6) months or more shall be considered as one (1) year, and less than six (6) months shall  
3 be disregarded.

4 D. A member may receive credit for those years of credited service accumulated by  
5 the member while a member of the Oklahoma Firefighters Pension and Retirement  
6 System, the Oklahoma Police Pension and Retirement System, the Uniform Retirement  
7 System for Justices and Judges, the Oklahoma Law Enforcement Retirement System, or  
8 the Teachers' Retirement System of Oklahoma, if the member is not receiving or eligible  
9 to receive retirement credit or benefits from said service in any other public retirement  
10 system. To receive the service credit, the member shall pay the amount determined by  
11 the Board pursuant to Section 913.5 of this title.

12 E. A member may receive credit for those years of service accumulated by the  
13 member as an elected official if the member is not receiving or eligible to receive  
14 retirement credit or benefits from said service in any public retirement system. Prior to  
15 January 1, 1991, to receive the service credit, the member shall pay to the Board for each  
16 year of service purchased pursuant to this subsection a sum equal to the employee and  
17 employer contribution rate that would have been applicable to the member as  
18 determined by the Board and interest of not to exceed five percent (5%), and effective  
19 January 1, 1991, to receive the service credit, the member shall pay the amount  
20 determined by the Board pursuant to Section 913.5 of this title.

21 F. Effective December 12, 1994, and thereafter, a leave of absence on account of a  
22 period of qualified military service in the uniformed services of the United States within

1 the meaning of Section 414(u)(5) of the federal Internal Revenue Code, followed by a  
2 return to employment with the participating employer within ninety (90) days after  
3 completion of the period of service may be eligible for credited service under this System.  
4 Notwithstanding any provision of this plan to the contrary, contributions, benefits and  
5 service credit with respect to qualified military service will be allowed in accordance with  
6 Section 414(u) of the federal Internal Revenue Code.

7 G. 1. An active member of the Oklahoma Public Employees Retirement System  
8 may receive credit for those years of service accumulated by the member while a member  
9 of the Teachers' Retirement System of Oklahoma if:

- 10 a. the member is an active member of the Oklahoma Public Employees  
11 Retirement System, and
- 12 b. the member provides notice to the Teachers' Retirement System of  
13 Oklahoma and the Oklahoma Public Employees Retirement System of  
14 the member's election to transfer said retirement credit. The notice  
15 shall include a list of the years to be transferred, and
- 16 c. the member is not receiving or eligible to receive retirement credit or  
17 benefits from said service in any other public retirement system,  
18 notwithstanding the years of service sought to be transferred under  
19 this subsection.

20 Members electing to take advantage of the transfer authorized by this subsection  
21 who are receiving or eligible to receive retirement credit or benefits from said service in  
22 any other public retirement system shall have all service credit with the Teachers'

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1 Retirement System of Oklahoma canceled which is not transferred to the Oklahoma  
2 Public Employees Retirement System or used as a cash offset in such a transfer pursuant  
3 to subparagraph d of paragraph 2 of this subsection. Service credit transferred to the  
4 Teachers' Retirement System of Oklahoma under this subsection shall also be canceled  
5 with the Oklahoma Public Employees Retirement System.

6 2. For purposes of this subsection, the "sending system" shall mean the Teachers'  
7 Retirement System of Oklahoma. The "receiving system" shall mean the Oklahoma  
8 Public Employees Retirement System.

9 a. Within thirty (30) days notification of an intent to transfer is received  
10 by the sending system, the sending system shall, according to its own  
11 rules and regulations:

12 (1) for members who have vested with the sending system,  
13 determine the present value of the member's earned benefits  
14 attributable to the years of service sought to be transferred,  
15 discounted according to the member's age at the time of transfer  
16 and computed as of the earliest age at which the member would  
17 be able to retire. Said computation shall assume an unreduced  
18 benefit and be computed using interest and mortality  
19 assumptions consistent with the actuarial assumptions adopted  
20 by the Board of Trustees for purposes of preparing the annual  
21 actuarial evaluation but shall not make any projections  
22 regarding future salary. For vested employees the sending

1 system shall use the product of this calculation for purposes of  
2 determining the transfer fee to be paid by the employee under  
3 subparagraph c of this paragraph so long as it is greater than  
4 the product of the calculation in this division, and

5 (2) determine the sum of the employee and employer contributions  
6 applicable to the years of service sought to be transferred plus  
7 interest consistent with the actuarial assumptions adopted by  
8 the Board of Trustees for purposes of preparing the annual  
9 actuarial evaluation. For all nonvested members, and for vested  
10 members if the product of this calculation is greater than the  
11 product of the calculation in division (1) of this subparagraph,  
12 the sending system shall use the product of this calculation for  
13 purposes of determining the amount to be transferred by the  
14 sending system under subparagraph c of this paragraph and any  
15 transfer fee to be paid by the members under subparagraph d of  
16 this paragraph.

17 b. Within thirty (30) days after notification of an intent to transfer is  
18 received by the receiving system, the receiving system shall determine,  
19 according to the system's own rules and regulations, the present value  
20 of the member's incremental projected benefits discounted according to  
21 the member's age at the time of the transfer. Incremental projected  
22 benefits shall be the difference between the projected benefit said

1 member would receive without transferring the service credit and the  
2 projected benefit after transfer of service credit computed as of the  
3 earliest age at which the member would be able to retire. Said  
4 computation shall assume an unreduced benefit and be computed  
5 using interest, salary projections and mortality assumptions consistent  
6 with the actuarial assumptions adopted by the Board of Trustees for  
7 purposes of preparing the annual actuarial evaluation.

8 c. The sending system shall, within sixty (60) days from the date  
9 notification of an intent to transfer is received by the sending system,  
10 transfer to the receiving system the amount determined in  
11 subparagraph a of this paragraph. Except, if the cost under  
12 subparagraph a of this paragraph for the same years of service to the  
13 sending system is greater than the actuarial value of the incremental  
14 benefit in the receiving system, as established in subparagraph b of  
15 this paragraph, the sending system shall send the receiving system an  
16 amount equal to the actuarial value of the incremental projected  
17 benefit in the receiving system.

18 d. In order to receive the credit provided for in paragraph 1 of this  
19 subsection, if the cost of the actuarial value of the incremental benefit  
20 to the receiving system is greater than the cost as calculated under  
21 subparagraph a of this paragraph for the same years of service to the

1 sending system as established in subparagraphs a and b of this  
2 paragraph, the employee shall elect to:

- 3 (1) pay any difference to receive full credit for the years sought to be  
4 transferred, or
- 5 (2) receive prorated service credit for only the amount received from  
6 the Teachers' Retirement System of Oklahoma pursuant to this  
7 subsection.

8 Such an election shall be made in writing, filed with the System prior  
9 to receiving the credit provided for in paragraph 1 of this subsection,  
10 and shall be irrevocable.

11 3. Within sixty (60) days of successfully completing all of the requirements for  
12 transfer under this subsection, the sending system shall pay the receiving system any  
13 amount due under this subsection. Within sixty (60) days of successfully completing all  
14 of the requirements for transfer under this subsection, the member shall pay the  
15 receiving system any amount due under this subsection. In the event that the member is  
16 unable to pay the transfer fee provided for in this subsection by the due date, the Board  
17 of Trustees of the receiving system shall permit the member to amortize the transfer fee  
18 over a period not to exceed sixty (60) months. Said payments shall be made by payroll  
19 deductions unless the Board of Trustees permits an alternate payment source. The  
20 amortization shall include interest in an amount not to exceed the actuarially assumed  
21 interest rate adopted by the Board of Trustees for investment earnings each year. Any  
22 member who ceases to make payment, terminates, retires or dies before completing the

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1 payments provided for in this section shall receive prorated service credit for only those  
2 payments made, unless the unpaid balance is paid by said member, his or her estate or  
3 successor in interest within six (6) months after said member's death, termination of  
4 employment or retirement, provided no retirement benefits shall be payable until the  
5 unpaid balance is paid, unless said member or beneficiary affirmatively waives the  
6 additional six-month period in which to pay the unpaid balance.

7 4. Years of service transferred pursuant to this subsection shall be used both in  
8 determining the member's retirement benefit and in determining the years of service for  
9 retirement and/or vesting purposes. Years of service rendered as a member of the  
10 Teachers' Retirement System of Oklahoma prior to July 1, 1992, if any, shall be deemed  
11 to be years of service rendered as a member of the Oklahoma Public Employees  
12 Retirement System prior to July 1, 1992, and shall qualify such person as a member of  
13 the Oklahoma Public Employees Retirement System before July 1, 1992.

14 5. Notwithstanding the requirements of Section 17-104 of Title 70 of the Oklahoma  
15 Statutes, members electing to take advantage of the transfer authorized by this  
16 subsection who have withdrawn their contributions from the sending system shall remit  
17 to the sending system the amount of the accumulated contributions the member has  
18 withdrawn plus simple interest of ten percent (10%) per annum prior to making said  
19 election or the election shall be deemed invalid and the transfer shall be canceled. If  
20 such an election is deemed invalid and the transfer is canceled, the accumulated  
21 contribution remitted to the sending system by the member who originally withdrew  
22 their contributions shall be returned to the member. The member's rights and

1 obligations regarding any service credit reestablished in the sending system due to a  
2 failure to satisfy the requirements of this subsection shall be determined by the sending  
3 system in accordance with Section 17-101 et seq. of Title 70 of the Oklahoma Statutes.

4 6. If any member fails for any reason to satisfy the requirements of this subsection,  
5 the election to transfer retirement credit shall be void and of no effect, and any  
6 retirement credited as a result of this transfer shall be canceled. If such retirement  
7 credit is canceled, the years of canceled retirement credit which were unsuccessfully  
8 transferred to the receiving system from the sending system shall be reestablished in the  
9 sending system. The member's rights and obligations regarding any retirement credit  
10 reestablished in the sending system due to a failure to satisfy the requirements of this  
11 subsection shall be determined by the sending system in accordance with Section 17-101  
12 et seq. of Title 70 of the Oklahoma Statutes.

13 7. The Board of Trustees shall promulgate such rules as are necessary to  
14 implement the provisions of this subsection.

15 H. 1. A member of the Teachers' Retirement System of Oklahoma whose last  
16 service with the Teachers' Retirement System of Oklahoma was with an entity or  
17 institution within The Oklahoma State System of Higher Education, State Board of  
18 Education, State Board of Career and Technology Education, Oklahoma Department of  
19 Career and Technology Education, Oklahoma School of Science and Mathematics,  
20 Oklahoma Center for the Advancement of Science and Technology, State Department of  
21 Rehabilitation Services, Oklahoma State Regents for Higher Education, Department of  
22 Corrections, State Department of Education, Oklahoma Board of Private Vocational

1 Schools, Board of Regents of Oklahoma Colleges, Oklahoma Student Loan Authority, or  
2 the Teachers' Retirement System of Oklahoma, may elect to receive credit for those years  
3 of service accumulated by the member in the Teachers' Retirement System of Oklahoma,  
4 pursuant to this subsection. A member shall be eligible to elect to transfer credit for  
5 such years of service from the Teachers' Retirement System of Oklahoma to the  
6 Oklahoma Public Employees Retirement System if:

- 7 a. the member is an active member of the Oklahoma Public Employees  
8 Retirement System,
- 9 b. the member provides notice to the Teachers' Retirement System of  
10 Oklahoma and the Oklahoma Public Employees Retirement System of  
11 the member's election to transfer such retirement credit. The notice  
12 shall include a list of the years to be transferred, and
- 13 c. the member is not receiving or eligible to receive retirement credit or  
14 benefits from such service in any other public retirement system,  
15 notwithstanding the years of service sought to be transferred under  
16 this subsection.

17 Members electing to take advantage of the transfer authorized by this subsection  
18 shall have all service credit with the Teachers' Retirement System of Oklahoma canceled  
19 which is transferred to the Oklahoma Public Employees Retirement System.

20 2. For purposes of this subsection, the "sending system" shall mean the Teachers'  
21 Retirement System of Oklahoma. The "receiving system" shall mean the Oklahoma  
22 Public Employees Retirement System.

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1 Within thirty (30) days after notification of an intent to transfer is received by the  
2 sending system, the sending system shall, according to its own rules, send to the  
3 receiving system all employer and employee contributions made on behalf of the member  
4 which were made to the sending system plus an additional amount of earnings based on  
5 the actuarial assumed rate of the sending system. Upon receipt of these contributions by  
6 the receiving system, the receiving system shall give credit to the transferring member in  
7 an amount equal to the years of service accrued in the sending system.

8 3. If the transferring member's normal retirement date calculation is based upon  
9 the sum of the member's age and number of years of credited service totaling eighty (80)  
10 in the sending system, then the member shall retain such calculation in the receiving  
11 system.

12 4. The Board of Trustees shall promulgate such rules as are necessary to  
13 implement the provisions of this subsection.

14 I. A member of the System in the employment of the Governor, the State Senate or  
15 the Oklahoma House of Representatives, on or after July 1, 1999, may make an election  
16 prior to December 31, 2000, which shall be irrevocable and on a form prescribed for such  
17 purpose by the System, to continue participation in the System upon becoming employed  
18 by a participating employer of the Teachers' Retirement System of Oklahoma. The  
19 Board shall promulgate all rules necessary to implement the provisions of this  
20 subsection.

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma  
2 Statutes as Section 840-2.21a of Title 74, unless there is created a duplication in  
3 numbering, reads as follows:

4 A. When an appointing authority is considering implementing an involuntary leave  
5 without pay (furlough) in order to reduce expenditures or when it is required because of a  
6 temporary decline or cessation of work activities, it shall first implement a voluntary  
7 furlough program pursuant to this act. The appointing authority shall submit its plan to  
8 the Administrator of the Office of Personnel Management for review and approval.  
9 Voluntary furloughs may be approved for up to sixty (60) days in a twelve-month period.  
10 Such voluntary furlough may be made through shortened workweeks or workdays as  
11 designated by the appointing authority. The appointing authority shall post its plan  
12 throughout the agency for thirty (30) days seeking volunteers to enter into the voluntary  
13 furlough program. The appointing authority shall evaluate the targeted savings  
14 attributed to those volunteers entering the program and may only implement an  
15 involuntary furlough if its targeted savings have not been met. Those volunteers shall be  
16 allowed to participate in the voluntary furlough program, pursuant to this act, even if an  
17 involuntary furlough is required of other employees of the appointing authority.

18 B. Annual and sick leave accrual, health benefits, retirement service credit and  
19 service for purposes of longevity for employees on voluntary furlough shall not be affected  
20 by the time spent on voluntary furlough.

21 C. The Administrator of the Office of Personnel Management shall promulgate any  
22 rules necessary to implement the provisions of this section.

1 SECTION 3. This act shall become effective July 1, 2009.

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,  
6 dated 02-26-09 - DO PASS.