

1 THE STATE SENATE  
2 Monday, March 29, 2010

3 ENGROSSED

4 House Bill No. 3385

5 As Amended

6 ENGROSSED HOUSE BILL NO. 3385 - By: Terrill, Dorman, Christian and  
7 Billy of the House and Bingman of the Senate.

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

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

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

16 A. As used in this section:

17 1. "Eligible agency" means:

- 18 a. the Department of Public Safety,
- 19 b. the Department of Human Services,
- 20 c. the Department of Transportation,
- 21 d. the Oklahoma Turnpike Authority,
- 22 e. the Office of Juvenile Affairs,
- 23 f. the Department of Mental Health and Substance Abuse  
24 Services,
- 25 g. the Office of the Chief Medical Examiner,

1           h.    the Department of Corrections, and  
2           i.    the Oklahoma Department of Veterans Affairs;  
3           2.    "Eligible employee" means any person employed by an eligible  
4 agency who voluntarily performs the duties and responsibilities of  
5 the position for an eligible agency during a time period when the  
6 employee would otherwise have been furloughed; and  
7           3.    "Special annual leave" means the form of compensation in the  
8 form of annual leave authorized pursuant to the provisions of this  
9 section.  
10          B.    For the fiscal year beginning July 1, 2009, and for any  
11 fiscal year thereafter, an eligible agency which has filed a  
12 furlough plan with the Office of Personnel Management may provide  
13 specialized annual leave, in addition to the annual leave authorized  
14 pursuant to Section 840-2.20 of Title 74 of the Oklahoma Statutes,  
15 to an employee who would otherwise be subject to furlough and who  
16 voluntarily works during a time period that the employee would  
17 otherwise not have worked because of the furlough plan.  
18          C.    No employee shall be required to work during any period of  
19 time for which the eligible agency does not have adequate funds to  
20 pay the regular compensation to the employee.  
21          D.    If an employee of an eligible agency elects to work during a  
22 time period described by subsection B of this section, the eligible  
23 agency shall provide one and one-half (1 1/2) days of specialized

1 annual leave as authorized by this section for each day that an  
2 eligible employee works.

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

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

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

19 H. An eligible agency which provides specialized annual leave  
20 to an eligible employee pursuant to the provisions of this section  
21 shall not be required to pay cash compensation to the employee for  
22 work performed during a time period the eligible employee would  
23 otherwise have been furloughed.

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-24-10 - DO  
6 PASS, As Amended.