

SB 405

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE STATE SENATE
Tuesday, February 17, 2009

Senate Bill No. 405
As Amended

SENATE BILL NO. 405 - By: Jolley, Corn and Gumm of the Senate and Peters of the House.

[**state government - longevity pay plan - effective date - emergency**]

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

SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.18, as last amended by Section 3, Chapter 176, O.S.L. 2005 (74 O.S. Supp. 2008, Section 840-2.18), is amended to read as follows:

Section 840-2.18 A. A longevity pay plan is hereby adopted. This plan applies to all state classified, unclassified, and exempt employees, excluding members of boards and commissions, institutions under the administrative authority of the State Regents for Higher Education, employees of public school districts, and elected officials. The plan shall also apply to those employees of the Oklahoma School for the Blind and the Oklahoma School for the Deaf who qualify for longevity pay in accordance with subsection D of Section 1419 of Title 10 of the Oklahoma Statutes.

B. The Oklahoma Conservation Commission is hereby authorized to establish a longevity pay program for employees of the conservation districts employed under Section 3-3-103 of Title 27A of the

1 Oklahoma Statutes. Such longevity pay program shall be consistent
2 with the longevity pay program for state employees authorized under
3 this title and payments shall be made in a manner consistent with
4 procedures for reimbursement to conservation districts.

5 C. To be eligible for longevity pay, employees must have been
6 continuously employed in the classified or unclassified service of
7 the state for a minimum of two (2) years in full-time status or in
8 part-time status working more than one thousand (1,000) hours a
9 year.

10 For purposes of this section, a break in service of thirty (30)
11 calendar days or less shall not be considered an interruption of
12 continuous service; a break in service of more than thirty (30)
13 calendar days shall mark an end to continuous service. The
14 legislative session employees who have worked for two (2) years or
15 more in part-time status and are eligible for state retirement
16 benefits, but do not receive other longevity payments, shall be
17 eligible and shall be considered to have been continuously employed
18 for purposes of calculating longevity payments, notwithstanding the
19 provisions of subsection E of this section.

20 D. 1. Longevity pay for the first twenty (20) years of service
21 shall be determined pursuant to the following schedule:

22 Years of Service	Annual Longevity Payment
23 At least 2	

1	years but less than 4 years	\$250.00
2		<u>\$458.00</u>
3	At least 4	
4	years but less than 6 years	\$426.00
5		<u>\$780.00</u>
6	At least 6	
7	years but less than 8 years	\$626.00
8		<u>\$1,146.00</u>
9	At least 8	
10	years but less than 10 years	\$850.00
11		<u>\$1,556.00</u>
12	At least 10	
13	years but less than 12 years	\$1,062.00
14		<u>\$1,943.00</u>
15	At least 12	
16	years but less than 14 years	\$1,250.00
17		<u>\$2,288.00</u>
18	At least 14	
19	years but less than 16 years	\$1,500.00
20		<u>\$2,745.00</u>
21	At least 16	
22	years but less than 18 years	\$1,688.00
23		<u>\$3,089.00</u>

1 less for the state, excluding service as specified in subsection A
2 of this section, shall be counted only if:

3 1. The period of employment was continuous for at least five
4 (5) months; and

5 2. The person worked more than two-fifths (2/5) time.

6 Other employment shall not be counted as service for purposes of
7 longevity payments. Further, no period of employment with the
8 state, whether with one or more than one agency, shall be counted as
9 more than full-time service.

10 F. Years of service under the administrative authority of the
11 State Regents for Higher Education or the administrative authority
12 of the Oklahoma Department of Career and Technology Education of any
13 employee who is now employed in a job classification which is
14 eligible for longevity pay shall be included in years of service for
15 purposes of determining longevity pay.

16 G. Years of service shall be certified through the current
17 employing agency by the appointing authority on a form approved by
18 the Office of Personnel Management. Said form shall be completed
19 and posted as directed by the Administrator of the Office of
20 Personnel Management by the current employing agency when the
21 employee initially enters on duty with the agency and thereafter
22 whenever the employee's anniversary date is changed.

1 H. Eligible employees, in full-time status or in part-time
2 status working more than one hundred fifty (150) hours per month,
3 shall receive one (1) lump-sum annual payment, in the amount
4 provided on the preceding schedule, during the month following the
5 anniversary date of the employee's most recent enter-on-duty day
6 with the state. Upon implementation of the statewide information
7 systems project, the lump-sum annual payment may be paid concurrent
8 with the final payroll of the month of the employee's anniversary
9 date. Eligible part-time employees who work one hundred fifty (150)
10 hours per month or less shall receive one (1) lump-sum annual
11 payment, based on the formula in subsection L of this section,
12 during the month following the anniversary date of the employee's
13 most recent enter-on-duty day with the state. To receive longevity
14 pay an employee must be in pay status on or after his or her
15 anniversary date.

16 Eligible employees who would not otherwise receive annual
17 longevity payments because their employment includes regular periods
18 of leave without pay in excess of thirty (30) calendar days shall
19 receive one (1) lump-sum annual payment, based on the formula in
20 subsection L of this section, during:

21 1. The month of August if the employee is in pay status on July
22 1; or

1 2. During the month following the employee's first return to
2 duty that fiscal year if the employee is not in pay status on July
3 1.

4 Except as otherwise provided by Sections 840-2.27D and 840-2.28
5 of this title, employees terminated as a result of a reduction-in-
6 force or retiring from state employment shall receive upon said
7 termination or retirement the proportionate share of any longevity
8 payment which may have accrued as of the date of termination or
9 retirement. Provided further that, the proportionate share of any
10 longevity payment which may have accrued as of the date of death of
11 an employee shall be made to the surviving spouse of the employee or
12 if there is no surviving spouse to the estate of the employee.

13 I. Periods of leave without pay taken in accordance with
14 Section 840-2.21 of this title shall be counted as service. Other
15 periods of nonpaid leave status in excess of thirty (30) calendar
16 days shall not mark a break in service; however, they shall:

17 1. Not be used in calculating total months of service for
18 longevity pay purposes; and

19 2. Extend the anniversary date for longevity pay by the total
20 period of time on nonpaid leave status except as provided in
21 subsection H of this section for employees whose conditions of
22 employment include regular periods of leave without pay.

1 J. Employees currently receiving longevity pay who work for the
2 judicial branch of state government or who work for the Oklahoma
3 Department of Career and Technology Education shall not be eligible
4 for the longevity pay plan provided for in this section.

5 K. A break in service with the state in excess of thirty (30)
6 days but which does not exceed two (2) years which was caused by a
7 reduction-in-force shall be treated as if it were a period of
8 nonpaid leave status as provided for in subsection I of this section
9 for the purpose of calculating total months of service for longevity
10 pay. This subsection shall only apply to state employees laid off
11 after June 30, 1982.

12 L. Eligible part-time employees working less than one hundred
13 fifty (150) hours per month and other eligible employees with
14 regular annual periods of leave without pay of more than thirty (30)
15 calendar days will receive a prorated share of the "Annual Longevity
16 Payment" authorized in subsection D of this section. The prorated
17 amount of payment will be based on actual hours worked in the
18 immediately preceding twelve (12) months.

19 M. An employee shall not be entitled to retroactive longevity
20 payments as a result of amendments to this section unless
21 specifically authorized by law.

22 N. The Administrator of the Office of Personnel Management is
23 authorized to promulgate such Longevity Pay Plan Rules as he or she

1 finds necessary to carry out the provisions of this section
2 including annual increases in the amount of longevity pay for which
3 provision is made in subsection D of this section provided such
4 increases are computed using the Consumer Price Index for all Urban
5 Consumers (CPI-U).

6 O. As of July 1, 1998, years of service with a city-county
7 health department for employees who left a city-county health
8 department for employment with the Department of Environmental
9 Quality or the State Department of Agriculture, between July 1, 1993
10 and July 1, 1998, and who are now employed in a job classification
11 that is eligible for longevity pay pursuant to this section, shall
12 be included in years of service for purposes of determining
13 longevity pay subsequent to July 1, 1998.

14 P. As of July 1, 2003, years of service with a local
15 conservation district shall be included in years of service for
16 purposes of determining longevity pay for local conservation
17 district employees transferred to the Oklahoma Conservation
18 Commission pursuant to the provisions of Enrolled Senate Bill No.
19 149 of the 1st Session of the 49th Legislature.

20 SECTION 2. This act shall become effective July 1, 2009.

21 SECTION 3. It being immediately necessary for the preservation
22 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-09 - DO
4 PASS, As Amended and Coauthored.