

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1695

By: Billy

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5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 840-2.18, as last amended by Section 3,
9 Chapter 176, O.S.L. 2005 (74 O.S. Supp. 2008, Section
10 840-2.18), which relates to longevity pay; modifying
11 longevity pay amounts; providing an effective date;
12 and declaring an emergency.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.18, as
15 last amended by Section 3, Chapter 176, O.S.L. 2005 (74 O.S. Supp.
16 2008, Section 840-2.18), is amended to read as follows:

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

1 B. The Oklahoma Conservation Commission is hereby authorized to
2 establish a longevity pay program for employees of the conservation
3 districts employed under Section 3-3-103 of Title 27A of the
4 Oklahoma Statutes. Such longevity pay program shall be consistent
5 with the longevity pay program for state employees authorized under
6 this title and payments shall be made in a manner consistent with
7 procedures for reimbursement to conservation districts.

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

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

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

1	Years of Service	Annual Longevity Payment
2	At least 2	
3	years but less than 4 <u>3</u> years	\$250.00
4		<u>\$400.00</u>
5	At least 4 <u>3</u>	
6	years but less than 6 <u>4</u> years	\$426.00
7		<u>\$600.00</u>
8	At least 6 <u>4</u>	
9	years but less than 8 <u>5</u> years	\$626.00
10		<u>\$800.00</u>
11	At least 8 <u>5</u>	
12	years but less than 10 <u>6</u> years	\$850.00
13		<u>\$1,000.00</u>
14	At least 10	
15	years but less than 12 years	\$1,062.00
16	At least 12	
17	years but less than 14 years	\$1,250.00
18	At least 14	
19	years but less than 16 years	\$1,500.00
20	At least 16	
21	years but less than 18 years	\$1,688.00
22	At least 18	
23	years but less than 20 years	\$1,900.00
24	At least 20 years	\$2,000.00

1 2. For each additional ~~two (2) years~~ year of service after the
2 first ~~twenty (20)~~ five (5) years an additional Two Hundred Dollars
3 (\$200.00) shall be added to the amount stated above for ~~twenty (20)~~
4 five (5) years of service.

5 The total amount of the annual longevity payment made to an
6 employee by any and all state agencies in any year shall not exceed
7 the amount shown on the table corresponding to that employee's years
8 of service with the state, except as otherwise provided by Sections
9 840-2.27D and 840-2.28 of this title. Further, no employee shall
10 receive duplicating longevity payments for the same periods of
11 service with any and all agencies, except as otherwise provided by
12 Sections 840-2.27D and 840-2.28 of this title.

13 3. Effective July 1, 2010, state employee longevity payments
14 shall be increased by the annual inflation rate for the previous
15 year as defined by the United States Department of Labor, Bureau of
16 Labor Statistics, Consumer Price Index (All Urban Consumers).

17 E. To determine years of service, cumulative periods of full-
18 time employment or part-time employment working more than one
19 hundred fifty (150) hours per month with the state excluding service
20 as specified in subsection A of this section are applicable. Part-
21 time employment, working one hundred fifty (150) hours per month or
22 less for the state, excluding service as specified in subsection A
23 of this section, shall be counted only if:

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

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

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

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

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

21 H. Eligible employees, in full-time status or in part-time
22 status working more than one hundred fifty (150) hours per month,
23 shall receive one (1) lump-sum annual payment, in the amount
24 provided on the preceding schedule, during the month following the

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

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

17 1. The month of August if the employee is in pay status on July
18 1; or

19 2. During the month following the employee's first return to
20 duty that fiscal year if the employee is not in pay status on July
21 1.

22 Except as otherwise provided by Sections 840-2.27D and 840-2.28
23 of this title, employees terminated as a result of a reduction-in-
24 force or retiring from state employment shall receive upon said

1 termination or retirement the proportionate share of any longevity
2 payment which may have accrued as of the date of termination or
3 retirement. Provided further that, the proportionate share of any
4 longevity payment which may have accrued as of the date of death of
5 an employee shall be made to the surviving spouse of the employee or
6 if there is no surviving spouse to the estate of the employee.

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

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

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

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

21 K. A break in service with the state in excess of thirty (30)
22 days but which does not exceed two (2) years which was caused by a
23 reduction-in-force shall be treated as if it were a period of
24 nonpaid leave status as provided for in subsection I of this section

1 for the purpose of calculating total months of service for longevity
2 pay. This subsection shall only apply to state employees laid off
3 after June 30, 1982.

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

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

14 N. The Administrator of the Office of Personnel Management is
15 authorized to promulgate such Longevity Pay Plan Rules as he or she
16 finds necessary to carry out the provisions of this section.

17 O. As of July 1, 1998, years of service with a city-county
18 health department for employees who left a city-county health
19 department for employment with the Department of Environmental
20 Quality or the ~~State~~ Oklahoma Department of Agriculture, Food, and
21 Forestry, between July 1, 1993, and July 1, 1998, and who are now
22 employed in a job classification that is eligible for longevity pay
23 pursuant to this section, shall be included in years of service for
24 purposes of determining longevity pay subsequent to July 1, 1998.

1 P. As of July 1, 2003, years of service with a local
2 conservation district shall be included in years of service for
3 purposes of determining longevity pay for local conservation
4 district employees transferred to the Oklahoma Conservation
5 Commission pursuant to the provisions of Enrolled Senate Bill No.
6 149 of the 1st Session of the 49th Legislature.

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

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

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13 52-1-5979 MAH 12/23/08

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