

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1764

By: Enns

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5
6 AS INTRODUCED

7 An Act relating to state government; amending 74 O.S.
8 2001, Section 840-2.20, as last amended by Section 2,
9 Chapter 230, O.S.L. 2006 (74 O.S. Supp. 2008, Section
10 840-2.20), which relates to leave accumulation and
annual limitations on accrued leave; modifying
11 provision related to excess leave; and providing an
12 effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.20, as
15 last amended by Section 2, Chapter 230, O.S.L. 2006 (74 O.S. Supp.
16 2008, Section 840-2.20), is amended to read as follows:

17 Section 840-2.20 A. The Administrator of the Office of
18 Personnel Management shall promulgate such emergency and permanent
19 rules regarding leave and holiday leave as are necessary to assist
20 the state and its agencies.

21 The Administrator of the Office of Personnel Management, in
22 adopting new rules, amending rules and repealing rules, shall ensure
23 that the following provisions are incorporated:

1 1. Eligible employees who enter on duty or who are reinstated
2 after a break in service shall receive leave benefits in accordance
3 with the schedule outlined below. Leave shall be accrued based upon
4 hours worked, paid leave, and holidays, but excluding overtime, not
5 to exceed the total possible work hours for the month. Years of
6 service shall be based on cumulative periods of employment
7 calculated in the manner that cumulative service is determined for
8 longevity purposes pursuant to Section 840-2.18 of this title.
9 Employees may accumulate more than the maximum annual leave
10 accumulation limits shown in the schedule below, provided that such
11 excess is used during the same calendar year in which it accrues or
12 within twelve (12) months of the date on which it accrues, at the
13 discretion of the appointing authority. If an employee ~~whose job~~
14 ~~duties include providing fire protection services, law enforcement~~
15 ~~services or services with the Department of Corrections~~ is unable to
16 use excess leave as provided for in this paragraph because the
17 employee's request for leave is denied by the employee's appointing
18 authority and the denial of leave is due to extraordinary
19 circumstances such that taking leave could pose a threat to public
20 safety, health or welfare, the employee shall receive compensation
21 at the employee's regular rate of pay for the amount of excess leave
22 the employee is unable to use. Such compensation shall be paid at
23 the end of the time period during which the excess leave was
24 required to have been used.

1 2. From November 1, 2001, the following accrual rates and
2 accumulation limits apply to eligible employees as follows:

	ACCRUAL RATES			ACCUMULATION
				LIMITS
	Cumulative			
	Years of	Annual	Sick	Annual
	Service	Leave	Leave	Leave
8	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
9	5-10 yrs	= 18 day/yr	15 days/yr	60 days
10	10-20 yrs	= 20 day/yr	15 days/yr	60 days
11	over 20 yrs	= 25 day/yr	15 days/yr	60 days

12 3. Temporary employees and other limited term employees are
13 ineligible to accrue, use, or be paid for sick leave and annual
14 leave. Such employees shall be eligible for paid holiday leave at
15 the discretion of the appointing authority.

16 4. Leave earned during a month shall not be available for use
17 until the beginning of the following month.

18 5. Employees shall not be entitled to retroactive accumulation
19 of leave as a result of amendments to this section.

20 6. The Administrator of the Office of Personnel Management and
21 the Executive Director of the Oklahoma Merit Protection Commission
22 shall cooperate to assist agencies in developing policies to prevent
23 violence in state government workplaces without abridging the rights
24 of state employees. Such policy shall include a paid administrative

1 leave provision as a cooling-off period which the Administrator of
2 the Office of Personnel Management is authorized to provide pursuant
3 to the Administrative Procedures Act. Such leave shall not be
4 charged to annual or sick leave accumulations.

5 7. State employees who terminated their employment in the state
6 service on or after October 1, 1992, may be eligible to have sick
7 leave accrued at the time of termination of employment restored if
8 they return to state employment, provided that the state employees'
9 enter-on-duty dates for reemployment occur on or before two (2)
10 years after their termination of employment and they are eligible to
11 accrue sick leave before the two (2) years expire.

12 8. Employees who are volunteer firefighters pursuant to the
13 Oklahoma Volunteer Firefighters Act and who are called to fight a
14 fire shall not have to use any accrued leave or need to make up any
15 time due to the performance of their volunteer firefighter duties.

16 B. Nothing in the Oklahoma Personnel Act is intended to prevent
17 or discourage an appointing authority from disciplining or
18 terminating an employee due to abuse of leave benefits or
19 absenteeism. Appointing authorities are encouraged to consider
20 attendance of employees in making decisions regarding promotions,
21 pay increases, and discipline.

22 C. Upon the transfer of a function in state government to an
23 entity outside state government, employees may, with the agreement
24 of the outside entity, waive any payment for leave accumulations to

1 which the employee is entitled and authorize the transfer of the
2 leave accumulations or a portion thereof to the outside entity.

3 SECTION 2. This act shall become effective November 1, 2009.

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