

1 ENGROSSED SENATE  
2 BILL NO. 666

By: Marlatt and Johnson (Rob)  
of the Senate

3 and

4 Jackson of the House  
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7 An Act relating to the Oklahoma Personnel Act;  
8 amending 74 O.S. 2001, Section 840-2.20, as last  
9 amended by Section 1, Chapter 423, O.S.L. 2009 (74  
10 O.S. Supp. 2010, Section 840-2.20), which relates to  
11 state employee leave benefits; modifying leave  
12 requirements for state employees who are reserve  
13 municipal police officers and reserve deputy sheriffs  
14 under certain circumstances; providing an effective  
15 date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 74 O.S. 2001, Section 840-2.20, as  
18 last amended by Section 1, Chapter 423, O.S.L. 2009 (74 O.S. Supp.  
19 2010, Section 840-2.20), is amended to read as follows:

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

24 The Administrator of the Office of Personnel Management, in  
adopting new rules, amending rules and repealing rules, shall ensure  
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 pay period. Years  
6 of 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	
Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days	
5-10 yrs	= 18 day/yr	15 days/yr	60 days	
10-20 yrs	= 20 day/yr	15 days/yr	60 days	
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. Employees shall not be entitled to retroactive accumulation  
17 of leave as a result of amendments to this section.

18 5. The Administrator of the Office of Personnel Management and  
19 the Executive Director of the Oklahoma Merit Protection Commission  
20 shall cooperate to assist agencies in developing policies to prevent  
21 violence in state government workplaces without abridging the rights  
22 of state employees. Such policy shall include a paid administrative  
23 leave provision as a cooling-off period which the Administrator of  
24 the Office of Personnel Management is authorized to provide pursuant

1 to the Administrative Procedures Act. Such leave shall not be  
2 charged to annual or sick leave accumulations.

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

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

14 8. Employees who are reserve municipal police officers pursuant  
15 to Section 34-101 of Title 11 of the Oklahoma Statutes and who miss  
16 work in performing their duties in cases of emergency shall not have  
17 to use any accrued leave or need to make up any time due to the  
18 performance of their reserve municipal police officer duties.

19 9. Employees who are reserve deputy sheriffs pursuant to  
20 Section 547 of Title 19 of the Oklahoma Statutes and who miss work  
21 in performing their duties in case of emergency shall not have to  
22 use any accrued leave or need to make up any time due to the  
23 performance of their reserve deputy sheriff duties.

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1 B. Nothing in the Oklahoma Personnel Act is intended to prevent  
2 or discourage an appointing authority from disciplining or  
3 terminating an employee due to abuse of leave benefits or  
4 absenteeism. Appointing authorities are encouraged to consider  
5 attendance of employees in making decisions regarding promotions,  
6 pay increases, and discipline.

7 C. Upon the transfer of a function in state government to an  
8 entity outside state government, employees may, with the agreement  
9 of the outside entity, waive any payment for leave accumulations to  
10 which the employee is entitled and authorize the transfer of the  
11 leave accumulations or a portion thereof to the outside entity.

12 SECTION 2. This act shall become effective July 1, 2011.

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

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1 Passed the Senate the 14th day of March, 2011.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2011.

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9 Presiding Officer of the House  
10 of Representatives