

STATE OF OKLAHOMA

1st Session of the 53rd Legislature (2011)

SENATE BILL 79

By: Barrington

AS INTRODUCED

An Act relating to the Oklahoma Firefighters Pension and Retirement System; amending 11 O.S. 2001, Section 49-116, as last amended by Section 6, Chapter 128, O.S.L. 2003 (11 O.S. Supp. 2010, Section 49-116), which relates to firefighter agility tests and physical exams; exempting persons from the requirement of agility tests and physical exams under certain circumstances; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 49-116, as last amended by Section 6, Chapter 128, O.S.L. 2003 (11 O.S. Supp. 2010, Section 49-116), is amended to read as follows:

Section 49-116. A. All candidates being considered for a position of a paid firefighter shall pass the required pre-employment offer physical performance/agility test based on standards established by the State Board; provided that the time between the administration of the physical performance/agility test approval for membership in the System by the Executive Director and the candidate's actual hire date by the participating municipality is less than twelve (12) months, provided further that a volunteer

1 firefighter who passes an agility test at the time he or she is
2 enrolled as a firefighter in a combination paid and volunteer fire
3 department shall not be required to take a second agility test at
4 the time of appointment as a paid firefighter in the same fire
5 department. Beginning July 1, 2010, a paid firefighter who is
6 terminated due to a reduction in force by a participating
7 municipality shall not be required to take a second agility test at
8 the time the person is reinstated back to duty by the same
9 participating municipality who instituted the reduction in force.

10 After review of a candidate's physical performance/agility test
11 presented to the System by a participating municipality or its fire
12 department, the Executive Director may require that a second
13 physical performance/agility test be administered to said candidate
14 by and under the supervision of the Executive Director. Successful
15 completion of the second physical performance/agility test shall be
16 required before said candidate's application for membership in the
17 System can be approved.

18 B. The State Board shall require that any candidate applying
19 for entrance as a member of the System, who has been offered a
20 position of a paid firefighter and before entering the employment of
21 a participating municipality as a paid firefighter, must
22 successfully complete a physical examination, as promulgated by the
23 administrative rules established by the State Board, in order to
24 participate and qualify to receive any benefits from the System;

1 provided that when the System receives all the information necessary
2 for entrance into the System, including written notice from the
3 System's physician that the candidate has met the minimum medical
4 requirements for entrance, the Executive Director shall have the
5 authority to approve an entrance date for the candidate no earlier
6 than the date all the necessary information for entrance is received
7 or the actual hire date whichever is later; provided that the time
8 between the administration of the physical examination approval for
9 membership in the System by the Executive Director and the
10 candidate's actual hire date by the participating municipality is
11 less than six (6) months. All candidates shall be of good moral
12 character, free from deformities, mental or physical conditions,
13 disease and alcohol or drug addiction, which would prohibit a
14 candidate from performing duties as a firefighter. The State Board
15 shall have the authority to deny or revoke the membership of a
16 candidate submitting false information in such candidate's
17 membership application and shall have final authority in determining
18 eligibility for membership pursuant to the provisions of this
19 article. This subsection shall not apply to any person who
20 terminates employment with a participating municipality as a paid
21 firefighter and is reemployed by the participating municipality or
22 employed by another participating municipality within six (6) months
23 of such termination, unless such person was terminated for medical
24 reasons. Beginning July 1, 2010, a paid firefighter who is

1 terminated due to a reduction in force by a participating
2 municipality and is reinstated by the participating municipality
3 that instituted the reduction in force within twenty-four (24)
4 months of the effective date of the reduction in force shall not be
5 required to successfully complete a second physical examination.

6 C. Any person retired for disability under this article may be
7 summoned before the State Board herein provided for, any time
8 hereafter, and shall submit himself thereto for examination as to
9 his fitness for duty, and shall abide the decision and order of the
10 State Board with reference thereto; and all members of the fire
11 department, who may be retired under the provisions of this article,
12 shall report to some physician designated by the State Board when so
13 retired, as required by the State Board.

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

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