

FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1581  
Page 1 Section 1 Lines 18  
Of the printed Bill  
Of the Engrossed Bill

By restoring the title.

By deleting Section 1 in its entirety and inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Leslie Osborn \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.23,  
2 is amended to read as follows:

3 Section 840-2.23 A. There is hereby created the state leave  
4 sharing program. The purpose of the state leave sharing program is  
5 to permit state employees to donate annual or sick leave to a fellow  
6 state employee who has exhausted, or will exhaust, all types of paid  
7 leave and:

8 1. Who is eligible for and requires family leave pursuant to  
9 the provisions of the Family and Leave Medical Act of 1993, 29  
10 U.S.C., 2601 et seq.; or

11 2. Who is suffering from or has a relative or household member  
12 suffering from an extraordinary or severe illness, injury,  
13 impairment, or physical or mental condition which has caused or is  
14 likely to cause the employee to take leave without pay or terminate  
15 employment;

16 3. Immediately after the death of a relative or household  
17 member, provided that the total leave received for this purpose  
18 shall not exceed five (5) days in any calendar year; or

19 4. Who is affected by a presidentially declared national  
20 disaster in Oklahoma after May 1, 1999, for a period of eighteen  
21 (18) months after the date of the presidentially declared national  
22 disaster if:

23 a. the employee suffered a physical injury as a result of  
24 the disaster,

1           b.    the spouse, relative, or household member of the  
2                   employee suffered a physical injury or died as a  
3                   result of the disaster, or

4           c.    the domicile of the employee or the home of a relative  
5                   of the employee was damaged or destroyed as a result  
6                   of the disaster.

7           B.    As used in this section:

8           1.    "Relative of the employee" shall be limited to the spouse,  
9           child, stepchild, grandchild, grandparent, stepparent, or parent of  
10           the employee;

11           2.    "Household members" means those persons who reside in the  
12           same home, who have reciprocal duties to and do provide financial  
13           support for one another. This term shall include foster children  
14           and legal wards even if they do not live in the household. The term  
15           does not include persons sharing the same general house, when the  
16           living style is primarily that of a dormitory or commune;

17           3.    "Severe" or "extraordinary" means extreme or life\_  
18           threatening;

19           4.    "State employee" means a permanent classified employee or a  
20           regular unclassified employee with one (1) year or more continuous  
21           service with the state. The term "state employee" does not include  
22           classified employees in probationary status or unclassified  
23           employees on temporary or other limited term appointments, except  
24           that those employees are eligible to receive shared leave as

1 provided in paragraph 4 of subsection A of this section and the  
2 leave with pay authorized by Section 840-2.23A of this title related  
3 to a presidentially declared national disaster; and

4 5. "Terminal" means likely to result in death within two (2)  
5 calendar years.

6 C. An employee may be eligible to receive shared leave pursuant  
7 to the following conditions:

8 1. The chief administrative officer of the employee determines  
9 that the employee meets the criteria described in this section; and

10 2. The employee has abided by state policies regarding the use  
11 of leave.

12 D. An employee may not donate annual or sick leave to an  
13 eligible employee without the permission of the chief administrative  
14 officer of the donating employee's agency.

15 E. An employee may donate annual or sick leave to another  
16 employee provided the donation does not cause the annual leave  
17 balance of the employee to fall below eighty (80) hours and provided  
18 the donation does not cause the sick leave balance of the employee  
19 to fall below eighty (80) hours.

20 F. Except as otherwise provided for in this subsection, the  
21 chief administrative officer of the employee shall determine the  
22 amount of donated leave an employee may receive and may authorize an  
23 employee to use up to a maximum of two hundred sixty-one (261) days  
24 of donated leave during total state employment. If the employee is

1 suffering from an illness which has been certified in writing by a  
2 licensed physician or health care practitioner as being terminal and  
3 the employee who either has reached or shall reach in the near  
4 future the maximum amount as set out in this subsection, the chief  
5 administrative officer of the employee may approve additional  
6 donated leave upon written request of the employee.

7 G. The chief administrative officer of the employee shall  
8 require the employee to submit, prior to approval or disapproval of  
9 shared leave pursuant to paragraph 1 of subsection A of this  
10 section, a medical certificate from a licensed physician or health  
11 care practitioner verifying the need for the leave and expected  
12 duration of the illness, injury, impairment, or physical or mental  
13 condition for which the leave is donated.

14 H. Donated annual or sick leave ~~is~~ shall be transferable  
15 between employees in different state entities ~~with the agreement of~~  
16 ~~both chief administrative officers of the entities.~~ State entities  
17 shall allow employees to receive donated annual or sick leave from  
18 employees within their employing entity and different state  
19 entities; provided, that the employee shall first exhaust all  
20 available leave options within the state entity of the employee.

21 I. Donated annual or sick leave is transferable between  
22 employees on an hour-to-hour basis irrespective of the hourly wage  
23 of the donating or receiving employee.

24

1 J. Any donated leave may only be used by the recipient for the  
2 purposes specified in this section.

3 K. All forms of paid leave available for use by the recipient  
4 must be used prior to using donated leave.

5 L. Any donated leave not used by the recipient during each  
6 occurrence as determined by the chief administrative officer of the  
7 employee shall be returned to the donor. The donated leave  
8 remaining will be divided among the donors on a prorated basis based  
9 on the original donated value and returned at its original donor  
10 value and reinstated to the original leave balance of each donor.

11 M. All donated leave must be given voluntarily. No employee  
12 shall be coerced, threatened, intimidated, or financially induced  
13 into donating annual or sick leave for purposes of the leave sharing  
14 program.

15 N. ~~Employees~~ Except as provided by subsection P of this  
16 section, employees may not donate ~~excess~~ annual or sick leave that  
17 the donor would not be able to otherwise take.

18 O. The Human Capital Management Division of the Office of  
19 Management and Enterprise Services shall designate an employee to  
20 serve as the shared leave liaison. If a qualifying employee is  
21 unable to obtain the necessary number of donated leave hours from  
22 his or her employing entity, he or she may contact the shared leave  
23 liaison. The shared leave liaison shall have the following  
24 responsibilities:

- 1        1. To inform all state agencies of the requirements of this  
2 section;
- 3        2. To inform all state employees of the rights afforded under  
4 this section;
- 5        3. To ensure an employee requesting shared leave from other  
6 state entities meets the criteria set forth in this section;
- 7        4. To coordinate outreach efforts within the employing agency  
8 and to other state entities to obtain all necessary hours of shared  
9 leave for the employee;
- 10       5. To ensure an employee has exhausted all sources of shared  
11 leave both within his or her employing entity and other state  
12 entities before requesting leave from the Leave of Last Resort Bank;  
13 and
- 14       6. To coordinate leave requested from the Leave of Last Resort  
15 Bank.
- 16       P. There is hereby created a Leave of Last Resort Bank. In the  
17 event a qualifying employee is unable to secure shared leave from  
18 employees within his or her employing entity or within a different  
19 entity, an employee may request leave from the Leave of Last Resort  
20 Bank. The Leave of Last Resort Bank shall be administered by the  
21 Human Capital Management Division of the Office of Management and  
22 Enterprise Services.
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- 24

1       1. The Leave of Last Resort Bank shall be funded by voluntary  
2 donations of annual and sick leave from employees retiring from or  
3 leaving state service.

4       2. Upon retirement or the final day of state service, an  
5 employee shall elect, in writing, whether any of his or her annual  
6 or sick leave shall be deposited into the Leave of Last Resort Bank.

7       Q. The Office of Management and Enterprise Services shall  
8 promulgate rules and regulations as necessary to carry out the  
9 provisions of this section."

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