

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SUBCOMMITTEE RECOMMENDATION
FOR

HOUSE BILL NO. 1868

By: Dunnington

SUBCOMMITTEE RECOMMENDATION

An Act relating to state government; amending 74 O.S. 2011, Section 840-2.15, which relates to the Oklahoma Personnel Act; providing for overtime pay for state employees earning certain salary; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.15, is amended to read as follows:

Section 840-2.15 A. The federal Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., provides for minimum standards for overtime entitlement, and spells out administrative procedures by which covered work time must be compensated. This section is not a comprehensive listing of the provisions of the Fair Labor Standards Act and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. ~~No~~ Except as otherwise provided by this section, no agency, board, commission, department, institution, bureau, executive officer or other entity

1 of the executive branch shall exceed the minimum overtime
2 entitlement provisions of the Fair Labor Standards Act and
3 regulations promulgated thereunder except as herein provided.

4 B. Nothing in this title or the federal Fair Labor Standards
5 Act shall be construed to prohibit an employer from paying an
6 employee who is required to work on a holiday, as defined in Section
7 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate
8 of two times the employee's regular hourly rate, or from
9 rescheduling the holiday at the discretion of the appointing
10 authority; provided, however, any state employee who is required to
11 work on a holiday, as defined in Section 82.1 of Title 25 of the
12 Oklahoma Statutes, in the performance of fire suppression duties
13 shall receive holiday pay at a rate of two times the employee's
14 regular hourly rate.

15 C. Any employee receiving compensatory time consistent with the
16 provisions of the federal Fair Labor Standards Act shall exhaust
17 such compensatory time prior to the taking of annual leave, except
18 where the employee is subject to losing such annual leave due to the
19 application of the accumulation limits in Section 840-2.20 of this
20 title.

21 D. An employee receiving compensatory time under the provisions
22 of subsection A of this section shall be permitted to use accrued
23 compensatory time within one hundred eighty (180) days following the
24 day on which it was accrued, provided the taking of compensatory

1 time does not unduly impact agency operations or the health, safety
2 or welfare of the public, or endanger public property. Agencies
3 shall not be allowed to extend this one-hundred-eighty-day time
4 period for employees in an institutional setting. The balance of
5 any unused compensatory time received but not taken during this time
6 period shall be paid to the employee at the employee's current
7 regular hourly rate.

8 E. Beginning November 1, 2017, any state employee earning less
9 than Thirty Thousand Dollars (\$30,000.00) annually shall receive
10 overtime pay, instead of compensatory time, for all hours worked
11 over forty (40) hours a week.

12 F. Beginning January 1, 2018, any state employee earning less
13 than Thirty-five Thousand Dollars (\$35,000.00) annually shall
14 receive overtime pay, instead of compensatory time, for all hours
15 worked over forty (40) hours a week.

16 G. Beginning January 1, 2019, any state employee earning less
17 than Forty Thousand Dollars (\$40,000.00) annually shall receive
18 overtime pay, instead of compensatory time, for all hours worked
19 over forty (40) hours a week. Nothing in this subsection shall
20 apply to state legislators or other elected officials.

21 H. As used in this section, "institutional setting" shall mean
22 any agency or part of any agency where twenty-four-hour care,
23 monitoring or supervision is required for patients, clients or
24 inmates to protect public health, safety or property.

SECTION 2. This act shall become effective November 1, 2017.

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