

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL 1868

By: Dunnington of the House

and

Thompson of the Senate

COMMITTEE SUBSTITUTE

[state government - Oklahoma Personnel Act -
overtime pay for state employees - 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
of the executive branch shall exceed the minimum overtime

entitlement provisions of the Fair Labor Standards Act and regulations promulgated thereunder except as herein provided.

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

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

D. An employee receiving compensatory time under the provisions of subsection A of this section shall be permitted to use accrued compensatory time within one hundred eighty (180) days following the day on which it was accrued, provided the taking of compensatory time does not unduly impact agency operations or the health, safety

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

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

11 F. As used in this section, "institutional setting" shall mean
12 any agency or part of any agency where twenty-four-hour care,
13 monitoring or supervision is required for patients, clients or
14 inmates to protect public health, safety or property.

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

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