

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1868

By: Dunnington of the House

and

Thompson of the Senate

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10 COMMITTEE SUBSTITUTE

11 [state government - Oklahoma Personnel Act -
12 overtime pay for state employees - effective date]
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16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

19 Section 840-2.15 A. The federal Fair Labor Standards Act, 29
20 U.S.C., Section 201, et seq., provides for minimum standards for
21 overtime entitlement, and spells out administrative procedures by
22 which covered work time must be compensated. This section is not a
23 comprehensive listing of the provisions of the Fair Labor Standards
24 Act and regulations promulgated thereunder, and is not intended to

1 conflict with either the Act or the regulations. ~~No~~ Except as
2 otherwise provided by this section, no agency, board, commission,
3 department, institution, bureau, executive officer or other entity
4 of the executive branch shall exceed the minimum overtime
5 entitlement provisions of the Fair Labor Standards Act and
6 regulations promulgated thereunder except as herein provided.

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

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

1 D. An employee receiving compensatory time under the provisions
2 of subsection A of this section shall be permitted to use accrued
3 compensatory time within one hundred eighty (180) days following the
4 day on which it was accrued, provided the taking of compensatory
5 time does not unduly impact agency operations or the health, safety
6 or welfare of the public, or endanger public property. Agencies
7 shall not be allowed to extend this one-hundred-eighty-day time
8 period for employees in an institutional setting. The balance of
9 any unused compensatory time received but not taken during this time
10 period shall be paid to the employee at the employee's current
11 regular hourly rate.

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

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

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

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

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

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7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
8 02/28/2017 - DO PASS, As Amended and Coauthored.
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