

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 1907

 By: West (Josh) and Kannady

7 AS INTRODUCED

8 An Act relating to military; amending 72 O.S. 2011,
9 Section 48, as amended by Section 645, Chapter 304,
10 O.S.L. 2012 (72 O.S. Supp. 2016, Section 48), which
11 relates to leave of absence to public officers and
12 employees; limiting paid hours during certain leave
 of absence; expanding types of military operations
 that qualify a state employee or officer for certain
 pay calculations during a leave of absence; and
 providing an effective date.

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

16 SECTION 1. AMENDATORY 72 O.S. 2011, Section 48, as
17 amended by Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.
18 2016, Section 48), is amended to read as follows:

19 Section 48. All officers and employees of the state or a
20 political subdivision thereof who are members, either officers or
21 enlisted, of the National Guard or any branch of the United States
22 Military or its reserve components, shall, when ordered by the
23 proper authority to active or inactive duty or service, be entitled
24 to a leave of absence from such civilian employment for the period

1 of such service without loss of status or seniority. During the
2 first thirty (30) calendar days for employees of political
3 subdivisions or the first thirty (30) regularly scheduled work days
4 for state employees not to exceed two hundred forty (240) hours of
5 such leave of absence in any federal fiscal year, the officers or
6 employees shall receive their full regular pay from the employing
7 state agency or political subdivision. During the remainder of such
8 leave of absence in any federal fiscal year, the employing state
9 agency or political subdivision may elect to pay the officer or
10 employee an amount equal to the difference between their full
11 regular pay from the employing state agency or political subdivision
12 and their military pay, except that state officers and employees
13 shall receive the difference between their full regular pay and
14 their Reserve Components pay when they are ordered by proper
15 authority to active or inactive service retroactive to the date that
16 the officer or employee reported to active service on or after
17 September 11, 2001, during the period that Operation Enduring
18 Freedom is in effect or any subsequent contingency operation
19 declared by the Secretary of Defense. The durational limit of
20 protected military service as provided for in this section shall not
21 be less than that provided by federal law. If it is necessary in
22 the public interest to provide for the performance of the duties of
23 their positions during such absence, the authority having power to
24 fill a vacancy in the positions may appoint substitutes, to be known

1 as acting incumbents, who shall qualify as required for the regular
2 incumbents and shall receive the same pay, including benefits and
3 pay adjustments as fixed by law, if any, or otherwise such pay,
4 including benefits and pay adjustments, as may be fixed by proper
5 authority.

6 The Office of Management and Enterprise Services shall
7 promulgate rules as necessary to implement the provisions of this
8 section that relate to state employees.

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

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11 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
12 dated 02/14/2017 - DO PASS, As Coauthored.

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