

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 233

By: Simpson of the Senate

and

Hardin of the House

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9 An Act relating to soldiers and sailors; amending 44
10 O.S. 2011, Section 209, as amended by Section 154,
11 Chapter 304, O.S.L. 2012 (44 O.S. Supp. 2016, Section
12 209), and 72 O.S. 2011, Section 48, as amended by
13 Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.
14 2016, Section 48), specifying certain leave of
15 absence from civil employment; and providing an
16 effective date.

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

18 SECTION 1. AMENDATORY 44 O.S. 2011, Section 209, as
19 amended by Section 154, Chapter 304, O.S.L. 2012 (44 O.S. Supp.
20 2016, Section 209), is amended to read as follows:

21 Section 209. All officers and employees of the state or a
22 political subdivision thereof who are members of the Oklahoma
23 National Guard or any reserve component of any branch of the United
24 States military, shall, when ordered by proper authority to active
or inactive service, be entitled to a leave of absence from civil
employment for the period of active service, without loss of status

1 or efficiency rating. During the first thirty (30) calendar days
2 for employees of political subdivisions or the first thirty (30)
3 regular scheduled work days for state employees, or not to exceed
4 two hundred forty (240) hours, of the leave of absence in any
5 federal fiscal year, the officers or employees shall receive their
6 full regular pay from the employing state agency or political
7 subdivision. During the remainder of the leave of absence in any
8 federal fiscal year, the employing state agency or political
9 subdivision may elect to pay them an amount equal to the difference
10 between the officers' or employees' full regular pay from the
11 employing state agency or political subdivision and their Oklahoma
12 National Guard or United States military reserve component pay,
13 except that state officers and employees shall receive the
14 difference between their full regular pay and their Oklahoma
15 National Guard or United States military reserve component pay when
16 they are ordered by proper authority to active or inactive service
17 retroactive to the date that the state officer or employee reported
18 to active service on or after September 11, 2001, during the period
19 that Operation Enduring Freedom is in effect, or any subsequent
20 contingency operation declared by the Secretary of Defense. The
21 durational limit of protected military service as provided for in
22 this section shall not be less than that provided by federal law.
23 If it is necessary in the public interest to provide for the
24 performance of the duties of their positions during such absence,

1 the authority having power to fill a vacancy in the positions may
2 appoint substitutes, to be known as acting incumbents, who shall
3 qualify as required for the regular incumbents and shall receive the
4 same pay, including benefits and pay adjustments, as fixed by law,
5 if any, or otherwise such pay, including benefits and pay
6 adjustments, as may be fixed by proper authority.

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

10 SECTION 2. AMENDATORY 72 O.S. 2011, Section 48, as
11 amended by Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.
12 2016, Section 48), is amended to read as follows:

13 Section 48. All officers and employees of the state or a
14 political subdivision thereof who are members, either officers or
15 enlisted, of the National Guard or any branch of the United States
16 Military or its reserve components, shall, when ordered by the
17 proper authority to active or inactive duty or service, be entitled
18 to a leave of absence from such civilian employment for the period
19 of such service without loss of status or seniority. During the
20 first thirty (30) calendar days for employees of political
21 subdivisions or the first thirty (30) regularly scheduled work days
22 for state employees, or not to exceed two hundred forty (240) hours,
23 of such leave of absence in any federal fiscal year, the officers or
24 employees shall receive their full regular pay from the employing

1 state agency or political subdivision. During the remainder of such
2 leave of absence in any federal fiscal year, the employing state
3 agency or political subdivision may elect to pay the officer or
4 employee an amount equal to the difference between their full
5 regular pay from the employing state agency or political subdivision
6 and their military pay, except that state officers and employees
7 shall receive the difference between their full regular pay and
8 their Reserve Components pay when they are ordered by proper
9 authority to active or inactive service retroactive to the date that
10 the officer or employee reported to active service on or after
11 September 11, 2001, during the period that Operation Enduring
12 Freedom is in effect, or any subsequent contingency operation
13 declared by the Secretary of Defense. The durational limit of
14 protected military service as provided for in this section shall not
15 be less than that provided by federal law. If it is necessary in
16 the public interest to provide for the performance of the duties of
17 their positions during such absence, the authority having power to
18 fill a vacancy in the positions may appoint substitutes, to be known
19 as acting incumbents, who shall qualify as required for the regular
20 incumbents and shall receive the same pay, including benefits and
21 pay adjustments as fixed by law, if any, or otherwise such pay,
22 including benefits and pay adjustments, as may be fixed by proper
23 authority.

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1 The Office of Management and Enterprise Services shall
2 promulgate rules as necessary to implement the provisions of this
3 section that relate to state employees.

4 SECTION 3. This act shall become effective November 1, 2017.

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6 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS,
7 dated 04/05/2017 - DO PASS.
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