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February 16, 2017

SENATE BILL NO. 233

By: Simpson of the Senate

and

Hardin of the House

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

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

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

Section 209. All officers and employees of the state or a political subdivision thereof who are members of the Oklahoma National Guard or any reserve component of any branch of the United 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 or efficiency rating. During the first thirty (30) calendar days

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

1 appoint substitutes, to be known as acting incumbents, who shall
2 qualify as required for the regular incumbents and shall receive the
3 same pay, including benefits and pay adjustments, as fixed by law,
4 if any, or otherwise such pay, including benefits and pay
5 adjustments, as may be fixed by proper 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. AMENDATORY 72 O.S. 2011, Section 48, as
10 amended by Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.
11 2016, Section 48), is amended to read as follows:

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

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

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.

5 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS
6 February 16, 2017 - DO PASS
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