

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3280

By: Kannady

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2011, Section 840-2.20, as amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2017, Section 840-2.20), which relates to the Oklahoma Personnel Act; modifying leave benefits; increasing accumulation limits; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.20, as amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2017, Section 840-2.20), is amended to read as follows:

Section 840-2.20 A. The Director of the Office of Management and Enterprise Services shall promulgate such emergency and permanent rules regarding leave and holiday leave as are necessary to assist the state and its agencies.

The Director of the Office of Management and Enterprise Services, in adopting new rules, amending rules and repealing rules, shall ensure that the following provisions are incorporated:

1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance

1 with the schedule outlined below. Leave shall be accrued based upon  
2 hours worked, paid leave, and holidays, but excluding overtime, not  
3 to exceed the total possible work hours for the pay period. Years  
4 of service shall be based on cumulative periods of employment  
5 calculated in the manner that cumulative service is determined for  
6 longevity purposes pursuant to Section 840-2.18 of this title.

7 ~~Employees may accumulate more than the maximum annual leave~~  
8 ~~accumulation limits shown in the schedule below, provided that such~~  
9 ~~excess is used during the same calendar year in which it accrues or~~  
10 ~~within twelve (12) months of the date on which it accrues, at the~~  
11 ~~discretion of the appointing authority. If an employee whose job~~  
12 ~~duties include providing fire protection services, law enforcement~~  
13 ~~services or services with the Department of Corrections is unable to~~  
14 ~~use excess leave as provided for in this paragraph because the~~  
15 ~~employee's request for leave is denied by the employee's appointing~~  
16 ~~authority and the denial of leave is due to extraordinary~~  
17 ~~circumstances such that taking leave could pose a threat to public~~  
18 ~~safety, health or welfare, the employee shall receive compensation~~  
19 ~~at the employee's regular rate of pay for the amount of excess leave~~  
20 ~~the employee is unable to use. Such compensation shall be paid at~~  
21 ~~the end of the time period during which the excess leave was~~  
22 ~~required to have been used;~~

23 2. From November 1, 2001, the following accrual rates and  
24 accumulation limits apply to eligible employees as follows:

|                          | ACCRUAL RATES |            |       | ACCUMULATION                 |
|--------------------------|---------------|------------|-------|------------------------------|
|                          |               |            |       | LIMITS                       |
|                          | Cumulative    |            |       |                              |
|                          | Years of      | Annual     | Sick  | <del>Annual</del>            |
|                          | Service       | Leave      | Leave | <del>Leave</del>             |
| Persons employed 0-5 yrs | = 15 day/yr   | 15 days/yr |       | <del>30</del> <u>45</u> days |
| 5-10 yrs                 | = 18 day/yr   | 15 days/yr |       | <del>60</del> <u>78</u> days |
| 10-20 yrs                | = 20 day/yr   | 15 days/yr |       | <del>60</del> <u>80</u> days |
| over 20 yrs              | = 25 day/yr   | 15 days/yr |       | <del>60</del> <u>85</u> days |

3. Temporary employees and other limited term employees are ineligible to accrue, use, or be paid for sick leave and annual leave. Such employees shall be eligible for paid holiday leave at the discretion of the appointing authority;

4. Employees shall not be entitled to retroactive accumulation of leave as a result of amendments to this section;

5. The Director of the Office of Management and Enterprise Services and the Executive Director of the Oklahoma Merit Protection Commission shall cooperate to assist agencies in developing policies to prevent violence in state government workplaces without abridging the rights of state employees. Such policy shall include a paid administrative leave provision as a cooling-off period which the Director of the Office of Management and Enterprise Services is authorized to provide pursuant to the Administrative Procedures Act.

1 Such leave shall not be charged to annual or sick leave  
2 accumulations;

3 6. State employees who terminated their employment in the state  
4 service on or after October 1, 1992, may be eligible to have sick  
5 leave accrued at the time of termination of employment restored if  
6 they return to state employment, provided that the state employees'  
7 enter-on-duty dates for reemployment occur on or before two (2)  
8 years after their termination of employment and they are eligible to  
9 accrue sick leave before the two (2) years expire;

10 7. Employees who are volunteer firefighters pursuant to the  
11 Oklahoma Volunteer Firefighters Act and who are called to fight a  
12 fire shall not have to use any accrued leave or need to make up any  
13 time due to the performance of their volunteer firefighter duties;

14 8. Employees who are reserve municipal police officers pursuant  
15 to Section 34-101 of Title 11 of the Oklahoma Statutes and who miss  
16 work in performing their duties in cases of emergency shall not have  
17 to use any accrued leave or need to make up any time due to the  
18 performance of their reserve municipal police officer duties; and

19 9. Employees who are reserve deputy sheriffs pursuant to  
20 Section 547 of Title 19 of the Oklahoma Statutes and who miss work  
21 in performing their duties in case of emergency shall not have to  
22 use any accrued leave or need to make up any time due to the  
23 performance of their reserve deputy sheriff duties.

24

1       B. Nothing in the Oklahoma Personnel Act is intended to prevent  
2 or discourage an appointing authority from disciplining or  
3 terminating an employee due to abuse of leave benefits or  
4 absenteeism. Appointing authorities are encouraged to consider  
5 attendance of employees in making decisions regarding promotions,  
6 pay increases, and discipline.

7       C. Upon the transfer of a function in state government to an  
8 entity outside state government, employees may, with the agreement  
9 of the outside entity, waive any payment for leave accumulations to  
10 which the employee is entitled and authorize the transfer of the  
11 leave accumulations or a portion thereof to the outside entity.

12       SECTION 2. This act shall become effective November 1, 2018.

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14       56-2-8362       LRB       12/27/17  
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