

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1434

By: Dossett

6
7 COMMITTEE SUBSTITUTE

8 [Oklahoma Personnel Act - promulgation of rules
9 regarding leave - sick leave with pay for state
10 employees who are veterans with service-connected
11 disabilities; sick leave with pay for state employees
12 who serve as members of the National Guard or
13 military reserve force and sustain a service-
14 connected disability - eligibility - rules -
15 effective date]

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

17 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.20, as
18 amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
19 2019, Section 840-2.20), is amended to read as follows:

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

24 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 1. Eligible employees who enter on duty or who are reinstated
2 after a break in service shall receive leave benefits in accordance
3 with the schedule outlined below. Leave shall be accrued based upon
4 hours worked, paid leave, and holidays, but excluding overtime, not
5 to exceed the total possible work hours for the pay period. Years
6 of service shall be based on cumulative periods of employment
7 calculated in the manner that cumulative service is determined for
8 longevity purposes pursuant to Section 840-2.18 of this title.
9 Employees may accumulate more than the maximum annual leave
10 accumulation limits shown in the schedule below, provided that such
11 excess is used during the same calendar year in which it accrues or
12 within twelve (12) months of the date on which it accrues, at the
13 discretion of the appointing authority. If an employee whose job
14 duties include providing fire protection services, law enforcement
15 services or services with the Department of Corrections is unable to
16 use excess leave as provided for in this paragraph because the
17 employee's request for leave is denied by the employee's appointing
18 authority and the denial of leave is due to extraordinary
19 circumstances such that taking leave could pose a threat to public
20 safety, health or welfare, the employee shall receive compensation
21 at the employee's regular rate of pay for the amount of excess leave
22 the employee is unable to use. Such compensation shall be paid at
23 the end of the time period during which the excess leave was
24 required to have been used;

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

ACCRUAL RATES			ACCUMULATION
			LIMITS
Cumulative			
Years of	Annual	Sick	Annual
Service	Leave	Leave	Leave
Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
5-10 yrs	= 18 day/yr	15 days/yr	60 days
10-20 yrs	= 20 day/yr	15 days/yr	60 days
over 20 yrs	= 25 day/yr	15 days/yr	60 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

1 authorized to provide pursuant to the Administrative Procedures Act.
2 Such leave shall not be charged to annual or sick leave
3 accumulations;

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

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

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

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

1 10. In addition to any other entitlement for sick leave with
2 pay, a state employee hired on or after November 1, 2020, who is a
3 veteran with a service-connected disability rated at thirty percent
4 (30%) or more by the United States Department of Veterans Affairs
5 shall be entitled to additional credit without limit for sick leave
6 with pay of up to ninety-six (96) hours for the purpose of
7 undergoing medical treatment, including mental health treatment, for
8 his or her service-connected disability. Credit for sick leave
9 granted under this paragraph shall be credited to a qualifying
10 officer or employee on the first day of employment and shall remain
11 available for use for the following twelve (12) months of
12 employment. Sick leave credited pursuant to this subdivision that
13 is not used during the 12-month period shall not be carried over and
14 shall be forfeited. Submission of satisfactory proof that sick
15 leave granted under this paragraph is used for treatment of a
16 service-connected disability may be required pursuant to rules
17 promulgated by the Office of Management and Enterprise Services; and

18 11. In addition to any other entitlement for sick leave with
19 pay, a state employee who serves as a member of the National Guard
20 or federal military reserve force who is called up to active service
21 and as a result sustains a service-connected disability rated at
22 thirty percent (30%) or more by the United States Department of
23 Veterans Affairs shall be entitled to additional credit without
24 limit for sick leave with pay of up to ninety-six (96) hours for the

purpose of undergoing medical treatment, including mental health treatment, for his or her service-connected disability. Credit for sick leave granted under this paragraph shall be credited to a qualifying officer or employee on the effective date of the employee's disability rating decision from the United States Department of Veterans Affairs or on the first day that the qualifying employee begins, or returns to, employment after active duty, whichever is later, and shall remain available for use for the following twelve (12) months of employment. Sick leave credited pursuant to this paragraph that is not used during the 12-month period shall not be carried over and shall be forfeited. Submission of satisfactory proof that sick leave granted under this paragraph is used for treatment of a service-connected disability may be required pursuant to rules adopted by the Office of Management and Enterprise Services.

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

C. Upon the transfer of a function in state government to an entity outside state government, employees may, with the agreement of the outside entity, waive any payment for leave accumulations to

1 which the employee is entitled and authorize the transfer of the
2 leave accumulations or a portion thereof to the outside entity.

3 SECTION 2. This act shall become effective November 1, 2020.

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