

1 ENGROSSED SENATE  
2 BILL NO. 1434

By: Dossett of the Senate

3 and

4 Miller of the House  
5  
6

7 An Act relating to the Oklahoma Personnel Act;  
8 amending 74 O.S. 2011, Section 840-2.20, as amended  
9 by Section 879, Chapter 304, O.S.L. 2012 (74 O.S.  
10 Supp. 2019, Section 840-2.20), which relates to  
11 promulgation of rules regarding leave; providing  
12 entitlement to sick leave with pay to state employees  
13 who are veterans with service-connected disabilities;  
14 establishing requirements for eligibility;  
15 establishing certain rules for use; authorizing  
16 promulgation of rules; providing entitlement to sick  
17 leave with pay for state employees who serve as  
18 members of the National Guard or military reserve  
19 force and sustain a service-connected disability;  
20 establishing requirements for eligibility;  
21 establishing certain rules for use; authorizing  
22 promulgation of rules; and providing an effective  
23 date.  
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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.  
2019, 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

1 permanent rules regarding leave and holiday leave as are necessary  
2 to assist the state and its agencies.

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

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

safety, health or welfare, the employee shall receive compensation at the employee's regular rate of pay for the amount of excess leave the employee is unable to use. Such compensation shall be paid at the end of the time period during which the excess leave was 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

1 Commission shall cooperate to assist agencies in developing policies  
2 to prevent violence in state government workplaces without abridging  
3 the rights of state employees. Such policy shall include a paid  
4 administrative leave provision as a cooling-off period which the  
5 Director of the Office of Management and Enterprise Services is  
6 authorized to provide pursuant to the Administrative Procedures Act.  
7 Such leave shall not be charged to annual or sick leave  
8 accumulations;

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

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

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

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

6        10. In addition to any other entitlement for sick leave with  
7 pay, a state employee hired on or after November 1, 2020, who is a  
8 veteran with a service-connected disability rated at thirty percent  
9 (30%) or more by the United States Department of Veterans Affairs  
10 shall be entitled to additional credit for sick leave with pay of up  
11 to sixteen (16) hours for the purpose of undergoing medical  
12 treatment including mental health treatment for his or her service-  
13 connected disability. Credit for sick leave granted under this  
14 paragraph shall be credited to a qualifying officer or employee on  
15 the first day of employment and shall remain available for use for  
16 the following twelve (12) months of employment. Sick leave credited  
17 pursuant to this paragraph that is not used during the 12-month  
18 period shall not be carried over and shall be forfeited. Submission  
19 of satisfactory proof that sick leave granted under this paragraph  
20 is used for treatment of a service-connected disability may be  
21 required pursuant to rules promulgated by the Office of Management  
22 and Enterprise Services; and

23        11. In addition to any other entitlement for sick leave with  
24 pay, a state employee who serves as a member of the National Guard

1 or federal military reserve force who is called up to active service  
2 and as a result sustains a service-connected disability rated at  
3 thirty percent (30%) or more by the United States Department of  
4 Veterans Affairs shall be entitled to additional credit for sick  
5 leave with pay of up to sixteen (16) hours for the purpose of  
6 undergoing medical treatment including mental health treatment for  
7 his or her service-connected disability. Credit for sick leave  
8 granted under this paragraph shall be credited to a qualifying  
9 officer or employee on the effective date of the employee's  
10 disability rating decision from the United States Department of  
11 Veterans Affairs or on the first day that the qualifying employee  
12 begins, or returns to, employment after active duty, whichever is  
13 later, and shall remain available for use for the following twelve  
14 (12) months of employment. Sick leave credited pursuant to this  
15 paragraph that is not used during the 12-month period shall not be  
16 carried over and shall be forfeited. Submission of satisfactory  
17 proof that sick leave granted under this paragraph is used for  
18 treatment of a service-connected disability may be required pursuant  
19 to rules adopted by the Office of Management and Enterprise  
20 Services.

21 B. Nothing in the Oklahoma Personnel Act is intended to prevent  
22 or discourage an appointing authority from disciplining or  
23 terminating an employee due to abuse of leave benefits or  
24 absenteeism. Appointing authorities are encouraged to consider

1 attendance of employees in making decisions regarding promotions,  
2 pay increases, and discipline.

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

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

9 Passed the Senate the 9th day of March, 2020.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2020.

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17 Presiding Officer of the House  
18 of Representatives  
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