

CORRECTED

ENGROSSED HOUSE
BILL NO. 2465

By: Dunnington of the House

and

Rosino of the Senate

An Act relating to state government; amending 74 O.S. 2011, Section 840-2.15, which relates to the Oklahoma Personnel Act; prohibiting requiring use of compensatory time if sick leave is available; requiring payment of overtime for certain employees; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.15, is amended to read as follows:

Section 840-2.15 A. The federal Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., provides for minimum standards for overtime entitlement, and spells out administrative procedures by which covered work time must be compensated. This section is not a comprehensive listing of the provisions of the Fair Labor Standards Act and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. ~~No~~ Except as otherwise provided by this section, no agency, board, commission,

1 department, institution, bureau, executive officer or other entity
2 of the executive branch shall exceed the minimum overtime
3 entitlement provisions of the Fair Labor Standards Act and
4 regulations promulgated thereunder except as herein provided.

5 B. Nothing in this title or the federal Fair Labor Standards
6 Act shall be construed to prohibit an employer from paying an
7 employee who is required to work on a holiday, as defined in Section
8 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate
9 of two times the employee's regular hourly rate, or from
10 rescheduling the holiday at the discretion of the appointing
11 authority; provided, however, any state employee who is required to
12 work on a holiday, as defined in Section 82.1 of Title 25 of the
13 Oklahoma Statutes, in the performance of fire suppression duties
14 shall receive holiday pay at a rate of two times the employee's
15 regular hourly rate.

16 C. Any employee receiving compensatory time consistent with the
17 provisions of the federal Fair Labor Standards Act shall exhaust
18 such compensatory time prior to the taking of annual leave, except
19 where the employee is subject to losing such annual leave due to the
20 application of the accumulation limits in Section 840-2.20 of this
21 title. Employees shall not be required to use compensatory time
22 accrued instead of using sick leave if the employee has sufficient
23 hours available.

1 D. An employee receiving compensatory time under the provisions
2 of subsection A of this section shall be permitted to use accrued
3 compensatory time within one hundred eighty (180) days following the
4 day on which it was accrued, provided the taking of compensatory
5 time does not unduly impact agency operations or the health, safety
6 or welfare of the public, or endanger public property. Agencies
7 shall not be allowed to extend this one-hundred-eighty-day time
8 period ~~for employees in an institutional setting~~. The balance of
9 any unused compensatory time received but not taken during this time
10 period shall be paid to the employee at the employee's current
11 regular hourly rate. State agencies may require employees to get
12 preapproval for overtime but shall always pay the employee for
13 overtime worked, whether or not the employee received approval.

14 E. ~~As used in this section, "institutional setting" shall mean~~
15 ~~any agency or part of any agency where twenty-four-hour care,~~
16 ~~monitoring or supervision is required for patients, clients or~~
17 ~~inmates to protect public health, safety or property~~ Beginning
18 January 1, 2020, any state employee earning less than Thirty-one
19 Thousand Dollars (\$31,000.00) annually shall receive overtime pay,
20 instead of compensatory time, for all hours worked over forty (40)
21 hours per week.

22 SECTION 2. This act shall become effective November 1, 2019.
23
24

1 Passed the House of Representatives the 14th day of March, 2019.

2
3
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

6
7
8 Presiding Officer of the Senate