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[Oklahoma Personnel Act - rules regarding leave -
sick leave with pay - eligibility - effective date]

By: Dossett

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:

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 with the schedule outlined below. Leave shall be accrued based upon hours worked, paid leave, and holidays, but excluding overtime, not to exceed the total possible work hours for the pay period. Years

1 of service shall be based on cumulative periods of employment
2 calculated in the manner that cumulative service is determined for
3 longevity purposes pursuant to Section 840-2.18 of this title.
4 Employees may accumulate more than the maximum annual leave
5 accumulation limits shown in the schedule below, provided that such
6 excess is used during the same calendar year in which it accrues or
7 within twelve (12) months of the date on which it accrues, at the
8 discretion of the appointing authority. If an employee whose job
9 duties include providing fire protection services, law enforcement
10 services or services with the Department of Corrections is unable to
11 use excess leave as provided for in this paragraph because the
12 employee's request for leave is denied by the employee's appointing
13 authority and the denial of leave is due to extraordinary
14 circumstances such that taking leave could pose a threat to public
15 safety, health or welfare, the employee shall receive compensation
16 at the employee's regular rate of pay for the amount of excess leave
17 the employee is unable to use. Such compensation shall be paid at
18 the end of the time period during which the excess leave was
19 required to have been used;

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

22	ACCRUAL RATES	ACCUMULATION
23		LIMITS
24	Cumulative	

1	Years of	Annual	Sick	Annual
2	Service	Leave	Leave	Leave
3	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
4	5-10 yrs	= 18 day/yr	15 days/yr	60 days
5	10-20 yrs	= 20 day/yr	15 days/yr	60 days
6	over 20 yrs	= 25 day/yr	15 days/yr	60 days

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

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

13 5. The Director of the Office of Management and Enterprise
14 Services and the Executive Director of the Oklahoma Merit Protection
15 Commission shall cooperate to assist agencies in developing policies
16 to prevent violence in state government workplaces without abridging
17 the rights of state employees. Such policy shall include a paid
18 administrative leave provision as a cooling-off period which the
19 Director of the Office of Management and Enterprise Services is
20 authorized to provide pursuant to the Administrative Procedures Act.
21 Such leave shall not be charged to annual or sick leave
22 accumulations;

23 6. State employees who terminated their employment in the state
24 service on or after October 1, 1992, may be eligible to have sick

1 leave accrued at the time of termination of employment restored if
2 they return to state employment, provided that the state employees'
3 enter-on-duty dates for reemployment occur on or before two (2)
4 years after their termination of employment and they are eligible to
5 accrue sick leave before the two (2) years expire;

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

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

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

20 10. In addition to any other entitlement for sick leave with
21 pay, a state employee hired on or after November 1, 2020, who is a
22 veteran with a service-connected disability rated at thirty percent
23 (30%) or more by the United States Department of Veterans Affairs
24 shall be entitled to additional credit without limit for sick leave

1 with pay of up to ninety-six (96) hours for the purpose of
2 undergoing medical treatment, including mental health treatment, for
3 his or her service-connected disability. Credit for sick leave
4 granted under this paragraph shall be credited to a qualifying
5 officer or employee on the first day of employment and shall remain
6 available for use for the following twelve (12) months of
7 employment. Sick leave credited pursuant to this paragraph that is
8 not used during the 12-month period shall not be carried over and
9 shall be forfeited. Submission of satisfactory proof that sick
10 leave granted under this paragraph is used for treatment of a
11 service-connected disability may be required pursuant to rules
12 promulgated by the Office of Management and Enterprise Services; and

13 11. In addition to any other entitlement for sick leave with
14 pay, a state employee who serves as a member of the National Guard
15 or federal military reserve force who is called up to active service
16 and as a result sustains a service-connected disability rated at
17 thirty percent (30%) or more by the United States Department of
18 Veterans Affairs shall be entitled to additional credit without
19 limit for sick leave with pay of up to ninety-six (96) hours for the
20 purpose of undergoing medical treatment, including mental health
21 treatment, for his or her service-connected disability. Credit for
22 sick leave granted under this paragraph shall be credited to a
23 qualifying officer or employee on the effective date of the
24 employee's disability rating decision from the United States

1 Department of Veterans Affairs or on the first day that the
2 qualifying employee begins, or returns to, employment after active
3 duty, whichever is later, and shall remain available for use for the
4 following twelve (12) months of employment. Sick leave credited
5 pursuant to this paragraph that is not used during the 12-month
6 period shall not be carried over and shall be forfeited. Submission
7 of satisfactory proof that sick leave granted under this paragraph
8 is used for treatment of a service-connected disability may be
9 required pursuant to rules adopted by the Office of Management and
10 Enterprise Services.

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

17 C. Upon the transfer of a function in state government to an
18 entity outside state government, employees may, with the agreement
19 of the outside entity, waive any payment for leave accumulations to
20 which the employee is entitled and authorize the transfer of the
21 leave accumulations or a portion thereof to the outside entity.

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

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
24 February 26, 2020 - DO PASS AS AMENDED