

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

HOUSE BILL 2465

By: Dunnington

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2011, Section 840-2.15, which relates to the Oklahoma Personnel Act; prohibiting 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, department, institution, bureau, executive officer or other entity of the executive branch shall exceed the minimum overtime

1 entitlement provisions of the Fair Labor Standards Act and  
2 regulations promulgated thereunder except as herein provided.

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

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

22 D. An employee receiving compensatory time under the provisions  
23 of subsection A of this section shall be permitted to use accrued  
24 compensatory time within one hundred eighty (180) days following the

1 day on which it was accrued, provided the taking of compensatory  
2 time does not unduly impact agency operations or the health, safety  
3 or welfare of the public, or endanger public property. Agencies  
4 shall not be allowed to extend this one-hundred-eighty-day time  
5 period ~~for employees in an institutional setting~~. The balance of  
6 any unused compensatory time received but not taken during this time  
7 period shall be paid to the employee at the employee's current  
8 regular hourly rate. Agencies shall not workweek adjust an employee  
9 in order to reduce his or her potential accrual of hours in the same  
10 week in which the hours were accrued. State agencies may require  
11 employees to get preapproval for overtime but shall always pay the  
12 employee for overtime worked, whether or not the employee received  
13 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-seven  
19 Thousand Five Hundred Dollars (\$37,500.00) annually shall receive  
20 overtime pay, instead of compensatory time, for all hours worked  
21 over forty (40) hours per week.

22 SECTION 2. This act shall become effective November 1, 2019.  
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24 57-1-5467 LRB 01/10/19