

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 128

By: Coleman

6 AS INTRODUCED

7 An Act relating to state government; authorizing  
8 state agencies to pay employees for certain periods  
9 of time; defining term; directing state agency  
10 management to make certain determination; requiring  
11 certain notice; requiring certain compensation;  
12 establishing procedure for calculating certain  
13 compensation; prohibiting certain work schedule  
adjustment; providing certain construction; requiring  
adherence to federal law; repealing 74 O.S. 2011,  
Section 840-2.29, which relates to compensation for  
on-call classified state employees; providing for  
codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 840-2.31 of Title 74, unless  
17 there is created a duplication in numbering, reads as follows:

18 State agencies are authorized to pay employees for the periods  
19 of time when the employee is off work premises, but is required to  
20 remain at, near or able to return to work when called upon. This  
21 shall be known as on-call pay.

22 Based on sound business need, management at state agencies shall  
23 identify job classes and individual positions within the agency that  
24 are subject to on-call duty. Employees shall be notified in advance

1 of being subject to on-call duty and shall be notified of any  
2 restrictions on personal time the duty requires. Employees will be  
3 informed as to how the duty will be compensated.

4 A classified state employee shall receive compensation for the  
5 periods of time they are assigned on-call duty. For each day on-  
6 call during the normal work week, an employee shall receive  
7 compensation for one (1) regular work hour. For each day on-call  
8 during weekends and on holidays, an employee shall receive  
9 compensation for two (2) regular work hours. This credit shall be  
10 in addition to actual hours worked during normal duty hours and  
11 actual hours worked during on-call duty.

12 Agencies shall not be permitted to workweek adjust employees for  
13 these hours. Any hours earned and worked during on-call duty shall  
14 be paid to the employee. Employees shall be paid hour for hour for  
15 time worked during on-call service. An hour of on-call service, by  
16 itself, shall not be considered to be an hour worked during the week  
17 for purposes of the Fair Labor Standards Act only to the extent  
18 required by federal law.

19 SECTION 2. REPEALER 74 O.S. 2011, Section 840-2.29, is  
20 hereby repealed.

21 SECTION 3. This act shall become effective November 1, 2019.

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