

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1434

By: Dossett

AS INTRODUCED

An Act relating to the Oklahoma Personnel Act; amending 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), which relates to promulgation of rules regarding leave; providing entitlement to sick leave with pay to state employees who are veterans with service-connected disabilities; establishing requirements for eligibility; establishing certain rules for use; authorizing promulgation of rules; providing entitlement to sick leave with pay for state employees who serve as members of the National Guard or military reserve force and sustain a service-connected disability; establishing requirements for eligibility; establishing certain rules for use; authorizing promulgation of rules; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.20, 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

1 safety, health or welfare, the employee shall receive compensation
2 at the employee's regular rate of pay for the amount of excess leave
3 the employee is unable to use. Such compensation shall be paid at
4 the end of the time period during which the excess leave was
5 required to have been used;

6 2. From November 1, 2001, the following accrual rates and
7 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

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

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

23 5. The Director of the Office of Management and Enterprise
24 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 without limit for sick leave
11 with pay for the purpose of undergoing medical treatment, including
12 mental health treatment, for his or her service-connected
13 disability. Credit for sick leave granted under this paragraph
14 shall be credited to a qualifying officer or employee on the first
15 day of employment and shall remain available for use for the
16 following twelve (12) months of employment. Sick leave credited
17 pursuant to this subdivision 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 without
5 limit for sick leave with pay of up to ninety-six (96) hours for the
6 purpose of undergoing medical treatment, including mental health
7 treatment, for his or her service-connected disability. Credit for
8 sick leave granted under this paragraph shall be credited to a
9 qualifying officer or employee on the effective date of the
10 employee's disability rating decision from the United States
11 Department of Veterans Affairs or on the first day that the
12 qualifying employee begins, or returns to, employment after active
13 duty, whichever is later, and shall remain available for use for the
14 following twelve (12) months of employment. Sick leave credited
15 pursuant to this paragraph that is not used during the 12-month
16 period shall not be carried over and shall be forfeited. Submission
17 of satisfactory proof that sick leave granted under this paragraph
18 is used for treatment of a service-connected disability may be
19 required pursuant to rules adopted by the Office of Management and
20 Enterprise 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
10 57-2-3395 MG 1/15/2020 12:34:32 PM
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25