

1 ENGROSSED SENATE
2 BILL NO. 176

By: Simpson and Kirt of the
Senate

3 and

4 West (Tammy) of the House

5
6 An Act relating to the Oklahoma Personnel Act;
7 amending 74 O.S. 2021, Section 840-2.20, which
8 relates to leave benefits; allowing temporary
9 increase of certain accumulation limits and
carryover; updating statutory language; updating
statutory references; and providing an effective
date.

10
11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 74 O.S. 2021, Section 840-2.20, is
14 amended to read as follows:

15 Section 840-2.20. A. The Director of the Office of Management
16 and Enterprise Services shall promulgate such emergency and
17 permanent rules regarding leave and holiday leave as are necessary
18 to assist the state and its agencies.

19 The Director of the Office of Management and Enterprise
20 Services, in adopting new rules, amending rules and repealing rules,
21 shall ensure that the following provisions are incorporated:

22 1. Eligible employees who enter on duty or who are reinstated
23 after a break in service shall receive leave benefits in accordance
24 with the schedule outlined below. Leave shall be accrued based upon

1 hours worked, paid leave, and holidays, but excluding overtime, not
2 to exceed the total possible work hours for the pay period. Years
3 of service shall be based on cumulative periods of employment
4 calculated in the manner that cumulative service is determined for
5 longevity purposes pursuant to Section 840-2.18 of this title.
6 Employees may accumulate more than the maximum annual leave
7 accumulation limits shown in the schedule below provided that such
8 excess is used during the same calendar year in which it accrues or
9 within twelve (12) months of the date on which it accrues, at the
10 discretion of the appointing authority. If an employee whose job
11 duties include providing fire protection services, law enforcement
12 services or services with the Department of Corrections is unable to
13 use excess leave as provided for in this paragraph because the
14 employee's request for leave is denied by the employee's appointing
15 authority and the denial of leave is due to extraordinary
16 circumstances such that taking leave could pose a threat to public
17 safety, health or welfare, the employee shall receive compensation
18 at the employee's regular rate of pay for the amount of excess leave
19 the employee is unable to use. Such compensation shall be paid at
20 the end of the time period during which the excess leave was
21 required to have been used;

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

24	ACCRUAL RATES	ACCUMULATION
----	---------------	--------------

LIMITS

Cumulative

Years of Service	Annual Leave	Sick Leave	Annual 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

Following an emergency declaration as described in Section 683.8 of Title 63 of the Oklahoma Statutes, the accumulation limits for annual leave shall temporarily increase and shall ~~carryover~~ carry over to the end of ~~the fiscal year following the year in which the emergency declaration ended~~ 2023.

All annual leave that accrued or expired during the period of the emergency declarations issued by the Governor in 2020 and 2021 in response to the novel coronavirus (COVID-19) shall carry over to the end of ~~the fiscal year following the year in which the emergency declaration ended~~ 2023 regardless of regulatory provisions that establish a maximum amount of annual leave that may be accumulated by an employee of the State of Oklahoma. Expired annual leave governed by this subsection shall be reinstated as of ~~the effective date of this act~~ May 7, 2021, and accumulation limits for annual leave shall not apply to amounts accrued or reinstated pursuant to this subsection. Eligibility for reinstatement of annual leave is

1 limited to employees currently employed by the State of Oklahoma on
2 ~~the effective date of this act~~ May 7, 2021;

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

7 4. Except as provided in paragraph 2 of this subsection,
8 employees shall not be entitled to retroactive accumulation of leave
9 as a result of amendments to this section;

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

20 6. State employees who terminated their employment in the state
21 service on or after October 1, 1992, may be eligible to have sick
22 leave accrued at the time of termination of employment restored if
23 they return to state employment provided that the state employees'
24 enter-on-duty dates for reemployment occur on or before two (2)

1 years after their termination of employment and they are eligible to
2 accrue sick leave before the two (2) years expire;

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

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

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

17 B. Nothing in the Oklahoma Personnel Act is intended to prevent
18 or discourage an appointing authority from disciplining or
19 terminating an employee due to abuse of leave benefits or
20 absenteeism. Appointing authorities are encouraged to consider
21 attendance of employees in making decisions regarding promotions,
22 pay increases, and discipline.

23 C. Upon the transfer of a function in state government to an
24 entity outside state government, employees may, with the agreement

of the outside entity, waive any payment for leave accumulations to which the employee is entitled and authorize the transfer of the leave accumulations or a portion thereof to the outside entity.

SECTION 2. This act shall become effective November 1, 2022.

Passed the Senate the 8th day of March, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2022.

Presiding Officer of the House
of Representatives