

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB809 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Ross Ford

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

FLOOR SUBSTITUTE  
FOR ENGROSSED

SENATE BILL NO. 809

By: Weaver of the Senate

and

Ford of the House

FLOOR SUBSTITUTE

An Act relating to law enforcement officers; amending 74 O.S. 2011, Section 150.23, as last amended by Section 1, Chapter 15, O.S.L. 2019 (74 O.S. Supp. 2020, Section 150.23), which relates to custody and possession of sidearms and badges upon retirement or death; modifying inclusions; amending 74 O.S. 2011, Sections 840-2.15 and 840-2.20, as amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2020, Section 840-2.20), which relate to the Oklahoma Personnel Act; modifying provisions related to certain leave accruals based on emergency conditions; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.23, as last amended by Section 1, Chapter 15, O.S.L. 2019 (74 O.S. Supp. 2020, Section 150.23), is amended to read as follows:

Section 150.23 A. An officer, investigator, or agent of the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of

1 Narcotics and Dangerous Drugs Control, the Department of Wildlife  
2 Conservation, the Law Enforcement Division of the Oklahoma Horse  
3 Racing Commission, the State Fire Marshal's Office, the Oklahoma  
4 Tourism and Recreation Department, the Office of Inspector General  
5 and the Oklahoma Child Support Services divisions of the Department  
6 of Human Services, a Probation and Parole officer or Internal  
7 Affairs agent of the Department of Corrections, law enforcement  
8 officers employed by the Grand River Dam Authority, a campus police  
9 officer, as defined in Section 360.16 of this title, or the office  
10 of a district attorney shall be entitled to receive, upon retirement  
11 by reason of length of service, the continued custody and possession  
12 of the sidearm and badge carried by such officer, investigator, or  
13 agent immediately prior to retirement.

14 B. An officer, investigator, or agent specified in subsection A  
15 of this section may be entitled to receive, upon retirement by  
16 reason of disability, the continued custody and possession of the  
17 sidearm and badge carried by such officer or agent immediately prior  
18 to retirement upon written approval of the applicable Director of  
19 the appropriate Bureau, Department, Commission, or district  
20 attorney.

21 C. Custody and possession of the sidearm and badge of an  
22 officer, investigator, or agent who dies while employed by any  
23 Bureau, Department, Commission, or office specified in subsection A  
24 of this section may be awarded by the applicable Director of the

1 appropriate Bureau, Department, Commission, or office to the spouse  
2 or next of kin of the deceased officer, investigator, or agent.

3 D. A correctional officer or a peace officer of the Department  
4 of Corrections shall be entitled to receive, upon retirement by  
5 reason of length of service, the continued custody and possession of  
6 the firearm and badge carried by such officer immediately prior to  
7 retirement.

8 E. In addition to the firearm carried by a correctional officer  
9 or a peace officer of the Department of Corrections, the retired  
10 correctional officer or peace officer may purchase the rifle or  
11 shotgun, or both, issued to the correctional officer or peace  
12 officer immediately prior to retirement. The cost to the retired  
13 officer of purchasing the rifle or shotgun, or both, shall be the  
14 price the Department of Corrections paid at the time of purchase,  
15 and upon payment of that price, the retired correctional officer or  
16 peace officer shall be entitled to ownership of the rifle or  
17 shotgun, or both.

18 F. In addition to the sidearm carried by a retired agent of the  
19 Oklahoma State Bureau of Investigation, the retired agent may  
20 purchase the rifle or shotgun, or both, issued to the retired agent  
21 immediately prior to retirement. The cost to the retired agent of  
22 purchasing the rifle or shotgun, or both, shall be the price the  
23 Oklahoma State Bureau of Investigation paid at the time of purchase,  
24

1 and upon payment of that price, the retired agent shall be entitled  
2 to ownership of the rifle or shotgun, or both.

3 SECTION 2. AMENDATORY 74 O.S. 2011, Section 840-2.15, is  
4 amended to read as follows:

5 Section 840-2.15 A. The federal Fair Labor Standards Act, 29  
6 U.S.C., Section 201, et seq., provides for minimum standards for  
7 overtime entitlement, and spells out administrative procedures by  
8 which covered work time must be compensated. This section is not a  
9 comprehensive listing of the provisions of the Fair Labor Standards  
10 Act and regulations promulgated thereunder, and is not intended to  
11 conflict with either the Act or the regulations. No agency, board,  
12 commission, department, institution, bureau, executive officer or  
13 other entity of the executive branch shall exceed the minimum  
14 overtime entitlement provisions of the Fair Labor Standards Act and  
15 regulations promulgated thereunder except as herein provided.

16 B. Nothing in this title or the federal Fair Labor Standards  
17 Act shall be construed to prohibit an employer from paying an  
18 employee who is required to work on a holiday, as defined in Section  
19 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate  
20 of two times the employee's regular hourly rate, or from  
21 rescheduling the holiday at the discretion of the appointing  
22 authority; provided, however, any state employee who is required to  
23 work on a holiday, as defined in Section 82.1 of Title 25 of the  
24 Oklahoma Statutes, in the performance of fire suppression duties

1 shall receive holiday pay at a rate of two times the employee's  
2 regular hourly rate.

3 C. Any employee receiving compensatory time consistent with the  
4 provisions of the federal Fair Labor Standards Act shall exhaust  
5 such compensatory time prior to the taking of annual leave, except  
6 where the employee is subject to losing such annual leave due to the  
7 application of the accumulation limits in Section 840-2.20 of this  
8 title.

9 D. An employee receiving compensatory time under the provisions  
10 of subsection A of this section shall be permitted to use accrued  
11 compensatory time within one hundred eighty (180) days following the  
12 day on which it was accrued, provided the taking of compensatory  
13 time does not unduly impact agency operations or the health, safety  
14 or welfare of the public, or endanger public property. ~~Agencies~~  
15 ~~shall not be allowed to extend this one hundred eighty-day time~~  
16 ~~period for employees in an institutional setting.~~ The balance of  
17 any unused compensatory time received but not taken during this time  
18 period, if payable, shall be paid to the employee at the employee's  
19 current regular hourly rate.

20 E. ~~As used in this section, "institutional setting" shall mean~~  
21 ~~any agency or part of any agency where twenty-four-hour care,~~  
22 ~~monitoring or supervision is required for patients, clients or~~  
23 ~~inmates to protect public health, safety or property.~~ All  
24 compensatory time 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 carryover to the end of the fiscal year following the year in which the emergency declaration ended. Expired compensatory time governed by this subsection shall be reinstated as of the effective date of this act, and accumulation limits for compensatory time shall not apply to amounts accrued or reinstated pursuant to this subsection. Eligibility for reinstatement of compensatory time is limited to employees currently employed by the State of Oklahoma on the effective date of this act.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 840-2.20, as amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2020, 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 permanent rules regarding leave and holiday leave as are necessary to assist the state and its agencies.

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

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

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

23	ACCRUAL RATES	ACCUMULATION
24		LIMITS



1	Cumulative			
2	Years of	Annual	Sick	Annual
3	Service	Leave	Leave	Leave
4	Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days
5	5-10 yrs	= 18 day/yr	15 days/yr	60 days
6	10-20 yrs	= 20 day/yr	15 days/yr	60 days
7	over 20 yrs	= 25 day/yr	15 days/yr	60 days
8	<u>All annual leave that accrued or expired during the period of the</u>			
9	<u>emergency declarations issued by the Governor in 2020 and 2021 in</u>			
10	<u>response to the novel coronavirus (COVID-19) shall carryover to the</u>			
11	<u>end of the fiscal year following the year in which the emergency</u>			
12	<u>declaration ended regardless of regulatory provisions that establish</u>			
13	<u>a maximum amount of annual leave that may be accumulated by an</u>			
14	<u>employee of the State of Oklahoma. Expired annual leave governed by</u>			
15	<u>this subsection shall be reinstated as of the effective date of this</u>			
16	<u>act, and accumulation limits for annual leave shall not apply to</u>			
17	<u>amounts accrued or reinstated pursuant to this subsection.</u>			
18	<u>Eligibility for reinstatement of annual leave is limited to</u>			
19	<u>employees currently employed by the State of Oklahoma on the</u>			
20	<u>effective date of this act.</u>			

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

1        4. ~~Employees~~ Except as provided in paragraph 2 of this  
2 subsection, employees shall not be entitled to retroactive  
3 accumulation of leave as a result of amendments to this section;

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

14        6. State employees who terminated their employment in the state  
15 service on or after October 1, 1992, may be eligible to have sick  
16 leave accrued at the time of termination of employment restored if  
17 they return to state employment, provided that the state employees'  
18 enter-on-duty dates for reemployment occur on or before two (2)  
19 years after their termination of employment and they are eligible to  
20 accrue sick leave before the two (2) years expire;

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

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

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

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 4. Section 1 of this act shall become effective  
23 November 1, 2021.

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

58-1-8198 MAH 04/21/21