

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 282

 By: Simpson and **Kirt** of the
 Senate

6 and

7 Hardin (Tommy) of the House

8
9
10 An Act relating to the Oklahoma Personnel Act;
11 amending 74 O.S. 2011, Section 840-2.20, as amended
12 by Section 879, Chapter 304, O.S.L. 2012 (74 O.S.
13 Supp. 2020, Section 840-2.20), which relates to leave
14 benefits; allowing for an increase of accumulation
15 limits on leave and allowing carryover of leave
16 following an emergency declaration; providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.20, as
20 amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
21 2020, Section 840-2.20), is amended to read as follows:

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

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

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

the employee is unable to use. Such compensation shall be paid at the end of the time period during which the excess leave was required to have been used;

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

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 to the end of the fiscal year following the year in which the emergency declaration ended.

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

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

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

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

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

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 2. This act shall become effective November 1, 2021.

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24 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
04/08/2021 - DO PASS, As Coauthored.