

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 333

By: Simpson and Kirt of the
Senate

6 and

7 Townley of the House

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9
10 An Act relating to the Oklahoma Personnel Act;
11 amending 74 O.S. 2011, Section 840-2.15, which
12 relates to compensatory time; extending the time
13 limit within which accrued compensatory time may be
14 used; directing a temporary increase of accumulation
15 limits on compensatory time; directing that
16 compensatory time shall carryover under certain
17 condition; and providing an effective date.

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

19 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.15, is
20 amended to read as follows:

21 Section 840-2.15. A. The federal Fair Labor Standards Act, 29
22 U.S.C., Section 201, et seq., provides for minimum standards for
23 overtime entitlement, and spells out administrative procedures by
24 which covered work time must be compensated. This section is not a
comprehensive listing of the provisions of the Fair Labor Standards
Act and regulations promulgated thereunder, and is not intended to

1 conflict with either the Act or the regulations. No agency, board,
2 commission, department, institution, bureau, executive officer or
3 other entity of the executive branch shall exceed the minimum
4 overtime entitlement provisions of the Fair Labor Standards Act and
5 regulations promulgated thereunder except as herein provided.

6 B. Nothing in this title or the federal Fair Labor Standards
7 Act shall be construed to prohibit an employer from paying an
8 employee who is required to work on a holiday, as defined in Section
9 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate
10 of two times the employee's regular hourly rate, or from
11 rescheduling the holiday at the discretion of the appointing
12 authority; provided, however, any state employee who is required to
13 work on a holiday, as defined in Section 82.1 of Title 25 of the
14 Oklahoma Statutes, in the performance of fire suppression duties
15 shall receive holiday pay at a rate of two times the employee's
16 regular hourly rate.

17 C. Any employee receiving compensatory time consistent with the
18 provisions of the federal Fair Labor Standards Act shall exhaust
19 such compensatory time prior to the taking of annual leave, except
20 where the employee is subject to losing such annual leave due to the
21 application of the accumulation limits in Section 840-2.20 of this
22 title.

23 D. An employee receiving compensatory time under the provisions
24 of subsection A of this section shall be permitted to use accrued

1 compensatory time within one hundred eighty (180) days, except as
2 provided in subsection E of this section, following the day on which
3 it was accrued, provided the taking of compensatory time does not
4 unduly impact agency operations or the health, safety or welfare of
5 the public, or endanger public property. Agencies shall not be
6 allowed to extend this one-hundred-eighty-day time period for
7 employees in an institutional setting. The balance of any unused
8 compensatory time received but not taken during this time period
9 shall be paid to the employee at the employee's current regular
10 hourly rate.

11 E. Following an emergency declaration as described in Section
12 683.8 of Title 63 of the Oklahoma Statutes, the accumulation limits
13 for compensatory time shall temporarily increase and shall carryover
14 to the end of the fiscal year following the year in which the
15 emergency declaration ended.

16 F. As used in this section, "institutional setting" shall mean
17 any agency or part of any agency where twenty-four-hour care,
18 monitoring or supervision is required for patients, clients or
19 inmates to protect public health, safety or property.

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

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22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
23 04/08/2021 - DO PASS.

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