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February 18, 2021

By: Simpson

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

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

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

Section 840-2.15. A. The federal Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., provides for minimum standards for overtime entitlement, and spells out administrative procedures by 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 conflict with either the Act or the regulations. No agency, board, commission, department, institution, bureau, executive officer or other entity of the executive branch shall exceed the minimum

1 overtime entitlement provisions of the Fair Labor Standards Act and  
2 regulations promulgated thereunder except as herein provided.

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

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

20 D. An employee receiving compensatory time under the provisions  
21 of subsection A of this section shall be permitted to use accrued  
22 compensatory time within one hundred eighty (180) days, except as  
23 provided in subsection E of this section, following the day on which  
24 it was accrued, provided the taking of compensatory time does not

1 unduly impact agency operations or the health, safety or welfare of  
2 the public, or endanger public property. Agencies shall not be  
3 allowed to extend this one-hundred-eighty-day time period for  
4 employees in an institutional setting. The balance of any unused  
5 compensatory time received but not taken during this time period  
6 shall be paid to the employee at the employee's current regular  
7 hourly rate.

8 E. Following an emergency declaration as described in Section  
9 683.8 of Title 63 of the Oklahoma Statutes, the accumulation limits  
10 for compensatory time shall temporarily increase and shall carryover  
11 to the end of the fiscal year following the year in which the  
12 emergency declaration ended.

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
19 February 18, 2021 - DO PASS  
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