

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1787

By: Pae

AS INTRODUCED

An Act relating to state government; providing for rates of compensation for on-call state employees; authorizing promulgation of rules; repealing 74 O.S. 2011, Section 840-2.29, which relates to compensation for on-call classified state employees; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-2.31 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. State agencies are authorized to pay an employee for the periods of time when the employee is in on-call status, off work premises, but is required to remain at, near or able to return to work when called upon. This shall be known as on-call pay.

B. State agencies shall identify job classes or individual positions within the agency that are subject to on-call duty, based on sound business need. Employees shall be notified in advance of

1 being subject to on-call duty and shall be notified of any
2 restrictions on personal time the duty requires. Employees will be
3 informed as to how the duty will be compensated.

4 C. A classified state employee shall receive compensation for
5 the periods of time he or she is assigned on-call duty and enters
6 on-call status. For each day that an employee is in on-call status
7 during the normal workweek, an employee shall receive compensation
8 for one (1) regular work hour. For each day that an employee is in
9 on-call status during weekends and on holidays, an employee shall
10 receive compensation for two (2) regular work hours. This credit
11 shall be in addition to actual hours worked during normal duty hours
12 and actual hours worked during on-call duty. State agencies shall
13 not workweek-adjust employees for these hours.

14 D. Any hours earned and worked during on-call duty shall be
15 paid to the employee. Employees shall be paid hour for hour for
16 time worked during on-call service. An hour of on-call service
17 shall not be considered to be an hour worked during the week for
18 purposes of the Fair Labor Standards Act only to the extent required
19 by federal law.

20 E. The Office of Management and Enterprise Services shall
21 promulgate rules necessary to implement the provisions of this
22 section.

23 SECTION 2. REPEALER 74 O.S. 2011, Section 840-2.29, is
24 hereby repealed.

SECTION 3. This act shall become effective November 1, 2021.

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