

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 302

By: Thompson (Roger)

COMMITTEE SUBSTITUTE

An Act relating to executive state agency payroll systems; requiring conversion to certain type of payroll system by certain date; requiring the Director of the Office of Management and Enterprise Services to make certain determination; amending 62 O.S. 2021, Section 34.69, which relates to the creation of payroll fund; clarifying statutory language; deleting reference; modifying definitions; providing deadline for system conversion; deleting certain procedures; directing the Office of Management and Enterprise Services to establish implementation schedule; amending 40 O.S. 2021, Section 165.2, as amended by Section 2, Chapter 156, O.S.L. 2022 (40 O.S. Supp. 2022, Section 165.2), which relates to payment of wages on regular paydays; providing exception; providing for codification; providing an effective date; and declaring an emergency.

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 34.67a of Title 62, unless there is created a duplication in numbering, reads as follows:

No later than July 31, 2025, every executive state agency, as defined in Section 34.69 of Title 62 of the Oklahoma Statutes, shall

1 convert to a payroll system that provides payment to employees every
2 two weeks. The Director of the Office of Management and Enterprise
3 Services shall determine the order and timeline by which executive
4 state agencies shall transition to this schedule.

5 SECTION 2. AMENDATORY 62 O.S. 2021, Section 34.69, is
6 amended to read as follows:

7 Section 34.69. A. There is hereby created in the State
8 Treasury a Payroll Fund which shall be used by the Director of the
9 Office of Management and Enterprise Services and the State Treasurer
10 to issue a consolidated payroll for each executive state agency of
11 the state. Payrolls of executive state agencies shall be charged
12 against the Payroll Fund created herein. Each executive state
13 agency shall prepare summary distributions of the amounts of
14 payrolls to be charged against each fund within the State Treasury
15 and the Director shall transfer monies from each fund in the State
16 Treasury to the Payroll Fund amounts as shown on payroll
17 distribution summaries, and shall charge such amounts to the account
18 affected thereby.

19 B. As of July 1, 2010, the Office of Management and Enterprise
20 Services shall make available and each executive state agency shall
21 make available to all state employees a centralized web-based system
22 to access their personal employment and compensation-related
23 information. The provisions of this subsection as it pertains to
24 executive agencies may be waived by the Director of the Office of

1 Management and Enterprise Services in the event that lack of timely
2 access prevents employees from utilizing the centralized system. As
3 used in ~~subsections B, C and D~~ of this section, "executive state
4 agency" shall mean any state agency, authority, board, commission or
5 other entity organized within the executive department of state
6 government. Executive state agency shall not mean any government
7 entity organized or created within the legislative or judicial
8 departments of state government, or institutions within The Oklahoma
9 State System for Higher Education.

10 C. Except for institutions within The Oklahoma State System for
11 Higher Education, executive state agencies converting to a ~~multi-~~
12 ~~monthly~~ payroll system that provides payment to employees every two
13 weeks shall consult with the Office of Management and Enterprise
14 Services on the timing of the agency's conversion. The system
15 conversion shall be implemented no later than July 31, 2025.

16 ~~1. All state employees hired during the six (6) months prior to~~
17 ~~an executive state agency's conversion to a multi-monthly payroll~~
18 ~~shall be placed on either the biweekly payroll system or~~
19 ~~supplemental payroll upon the date of hire.~~

20 ~~2. In the six (6) months prior to an executive state agency's~~
21 ~~conversion to multi-monthly payroll, the executive state agency~~
22 ~~shall offer either multi-monthly or supplemental payroll to any~~
23 ~~employee who chooses to participate. The provisions of this~~
24

~~paragraph shall not apply to employees placed on the multi-monthly payroll pursuant to paragraph 1 of this subsection.~~

~~D. Six (6) months prior to an executive state agency converting to the multi-monthly payroll system, it shall create employee payroll conversion banks for the purpose of providing a one-time payroll payment to an employee for the gap in payroll payments created by the conversion to the multi-monthly system.~~

~~1. Each executive state agency shall allow its employees to accumulate funds up to a maximum of eighty (80) hours for the conversion bank from the following sources:~~

~~a. earned compensatory time, if the agency normally provides its employees compensatory time,~~

~~b. earned annual leave,~~

~~c. earned sick leave up to a maximum of forty (40) hours, and~~

~~d. shared leave as approved by the appointing authority.~~

~~2. During the six-month period leading up to an executive state agency's conversion to the multi-monthly payroll system, all executive state agencies shall inform, in writing or by electronic means, all their employees of their leave and compensatory time balances on a monthly basis.~~

~~E. D.~~ The Office of Management and Enterprise Services shall establish procedures and a full implementation schedule concerning the conversion.

1 SECTION 3. AMENDATORY 40 O.S. 2021, Section 165.2, as
2 amended by Section 2, Chapter 156, O.S.L. 2022 (40 O.S. Supp. 2022,
3 Section 165.2), is amended to read as follows:

4 Section 165.2. Every employer in this state shall pay all wages
5 due their employees, other than exempt employees and employees of
6 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and
7 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on
8 regular paydays designated in advance by the employer. Except as
9 provided in Section 1 of this act, State state, county and municipal
10 employees, exempt employees, school district employees, technology
11 center school district employees and employees of nonprivate
12 foundations qualified pursuant to 26 U.S.C. 509(a)(1) and 26 U.S.C.
13 170(b)(1)(A)(vi) shall be paid a minimum of once each calendar
14 month. The amount due such employees shall be paid in lawful money
15 of the United States including payment by electronic means, and the
16 employee shall not be deemed to have waived any right or rights
17 mentioned in this section because of any contract to the contrary.
18 Each employer in this state, in its discretion, may pay all wages
19 due to an employee by deposit on the payday at a financial
20 institution of the employee's choice or, if the employee does not
21 consent or designate a financial institution, to a payroll card
22 account. With each payment of wages earned by such employee, the
23 employer shall issue to such employee a brief itemized statement of
24 any and all deductions therefrom. An interval of not more than

1 eleven (11) days may elapse between the end of the pay period worked
2 and the regular payday designated by the employer. The employer
3 shall be allowed three (3) days after such payday in which to comply
4 with this section.

5 No such employer shall issue, in payment of or as evidence of
6 indebtedness due an employee any check, cashier's check, draft, time
7 check, store order, scrip, or other acknowledgment of indebtedness
8 unless the same is payable or redeemable upon demand without
9 discount and for face value in lawful money of the United States.
10 If an employer pays an employee with a check which is subsequently
11 returned to the employee or an agent thereof by reason of the
12 refusal of the bank upon which such check was drawn to honor the
13 same due to insufficient funds or a stop payment notice, the
14 employer shall reimburse the employee for any fees or costs incurred
15 by the employee due to the refusal to honor the check within
16 fourteen (14) days of the employer's notice of the bank's refusal to
17 honor the check.

18 SECTION 4. This act shall become effective July 1, 2023.

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

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