

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 59th Legislature (2023)

4   HOUSE BILL 2661

                              By: Maynard and **Steagall**

7                               AS INTRODUCED

8           An Act relating to the Oklahoma Personnel Act;  
9           amending 74 O.S. 2021, Section 840-2.20, as amended  
10          by Section 16, Chapter 243, O.S.L. 2022 (74 O.S.  
11          Supp. 2022, Section 840-2.20), which relates to leave  
12          benefits; allowing temporary increase of certain  
13          accumulation limits and carryover; updating statutory  
14          language; updating statutory references; and  
15          providing an effective date.

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

16           SECTION 1.       AMENDATORY       74 O.S. 2021, Section 840-2.20, as  
17           amended by Section 16, Chapter 243, O.S.L. 2022 (74 O.S. Supp. 2022,  
18           Section 840-2.20), is amended to read as follows:

19           Section 840-2.20   A.   The Director of the Office of Management  
20           and Enterprise Services shall promulgate such emergency and  
21           permanent rules regarding leave and holiday leave as are necessary  
22           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~~ carry over to the end of the fiscal year ~~following the year in which the emergency declaration ended~~ 2024.

All annual leave that accrued or expired during the period of the emergency declarations issued by the Governor in 2020 and 2021 in response to the novel coronavirus (COVID-19) shall carry over to the end of the fiscal year ~~following the year in which the emergency declaration ended~~ 2024 regardless of regulatory provisions that

1 establish a maximum amount of annual leave that may be accumulated  
2 by an employee of the State of Oklahoma. Expired annual leave  
3 governed by this subsection shall be reinstated as of ~~the effective~~  
4 ~~date of this act~~ May 7, 2021, and accumulation limits for annual  
5 leave shall not apply to amounts accrued or reinstated pursuant to  
6 this subsection. Eligibility for reinstatement of annual leave is  
7 limited to employees currently employed by the State of Oklahoma on  
8 ~~the effective date of this act~~ May 7, 2021;

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

13       4. Except as provided in paragraph 2 of this subsection,  
14 employees shall not be entitled to retroactive accumulation of leave  
15 as a result of amendments to this section;

16       5. The Director of the Office of Management and Enterprise  
17 Services shall assist agencies in developing policies to prevent  
18 violence in state government workplaces without abridging the rights  
19 of state employees. Such policies shall include a paid  
20 administrative leave provision as a cooling-off period which the  
21 Director of the Office of Management and Enterprise Services is  
22 authorized to provide pursuant to the Administrative Procedures Act.  
23 Such leave shall not be charged to annual or sick leave  
24 accumulations;

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

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

12       8. Employees who are reserve municipal police officers pursuant  
13 to Section 34-101 of Title 11 of the Oklahoma Statutes and who miss  
14 work in performing their duties in cases of emergency shall not have  
15 to use any accrued leave or need to make up any time due to the  
16 performance of their reserve municipal police officer duties; and

17       9. Employees who are reserve deputy sheriffs pursuant to  
18 Section 547 of Title 19 of the Oklahoma Statutes and who miss work  
19 in performing their duties in case of emergency shall not have to  
20 use any accrued leave or need to make up any time due to the  
21 performance of their reserve deputy sheriff duties.

22       B. Nothing in law is intended to prevent or discourage an  
23 appointing authority from disciplining or terminating an employee  
24 due to abuse of leave benefits or absenteeism. Appointing

1 authorities are encouraged to consider attendance of employees in  
2 making decisions regarding promotions, pay increases, and  
3 discipline.

4 C. Upon the transfer of a function in state government to an  
5 entity outside state government, employees may, with the agreement  
6 of the outside entity, waive any payment for leave accumulations to  
7 which the employee is entitled and authorize the transfer of the  
8 leave accumulations or a portion thereof to the outside entity.

9 SECTION 2. This act shall become effective November 1, 2023.

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11 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2023 - DO PASS,  
12 As Coauthored.

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