

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

HOUSE BILL 2129

By: Crosswhite Hader

AS INTRODUCED

An Act relating to state government; amending 74 O.S. 2021, Section 840-2.15, which relates to compensation for overtime; requiring payment of overtime for certain employees of the Department of Corrections; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, 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. The balance of any unused
3 compensatory time received but not taken during this time period, if
4 payable, shall be paid to the employee at the employee's current
5 regular hourly rate.

6 E. Following an emergency declaration as described in Section
7 683.8 of Title 63 of the Oklahoma Statutes, the accumulation limits
8 for compensatory time shall temporarily increase and shall carryover
9 to the end of the fiscal year following the year in which the
10 emergency declaration ended.

11 All compensatory time that accrued or expired during the period
12 of the emergency declarations issued by the Governor in 2020 and
13 2021 in response to the novel coronavirus (COVID-19) shall carry
14 over to the end of the fiscal year following the year in which the
15 emergency declaration ended. Expired compensatory time governed by
16 this subsection shall be reinstated as of the effective date of this
17 act, and accumulation limits for compensatory time shall not apply
18 to amounts accrued or reinstated pursuant to this subsection.
19 Eligibility for reinstatement of compensatory time is limited to
20 employees currently employed by the State of Oklahoma on the
21 effective date of this act.

22 F. Beginning November 1, 2023, correctional officers,
23 construction/maintenance administrators I and II, correctional
24 security managers II, and food service managers I and II, employed

1 by the Department of Corrections shall receive overtime pay, instead
2 of compensatory time, for all hours worked over forty (40) in a
3 workweek at a rate of not less than time and one-half of their
4 regular rate of pay.

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

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