

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1121

6 By: Thompson (Roger) and Hall
7 of the Senate

8 and

9 Wallace and Martinez of the
10 House

11 COMMITTEE SUBSTITUTE

12 An Act relating to education employees; entitling
13 certain full-time employees who have worked for a
14 certain amount of time to certain amount of paid
15 maternity leave; directing maternity leave be in
16 addition to certain sick leave; prohibiting employee
17 on maternity leave from being deprived of certain
18 compensation or benefits; directing the Legislature
19 to appropriate adequate funding to provide paid
20 maternity leave to certain school employees;
21 providing for allocation of funds if certain
22 appropriation is not made; providing for promulgation
23 of rules; amending 70 O.S. 2021, Section 6-104.1,
24 which relates to leave without pay for teachers;
updating statutory reference; allowing maternity
leave in addition to certain sick leave and extended
leave; updating statutory language; amending 70 O.S.
2021, Section 6-104.5, which relates to pay
deductions for certain leave; adding statutory
reference; allowing certain deductions after
exhausting certain sick leave and maternity leave;
amending 70 O.S. 2021, Section 6-104.6, which relates
to establishment of leave sharing programs; allowing
certain district employees to participate in certain
shared leave after exhausting maternity leave;
requiring maternity leave and sick leave to be used
prior to shared sick leave; making language gender
neutral; amending 10A O.S. 2021, Section 2-7-202, as

1 last amended by Section 1 of Enrolled House Bill No.
2 1842 of the 1st Session of the 59th Oklahoma
3 Legislature, which relates to duties of the Office of
4 Juvenile Affairs; entitling certain eligible
5 employees to paid maternity leave; amending 57 O.S.
6 2021, Section 510.6a, which relates to salaries for
7 correctional teachers; updating statutory language;
8 updating statutory reference; entitling certain
9 eligible employees to paid maternity leave; creating
10 the Public School Paid Maternity Leave Revolving
11 Fund; specifying source of fund; providing for
12 expenditures; providing purpose of fund; creating the
13 Education Employee Paid Maternity Leave Revolving
14 Fund; specifying source of fund; providing for
15 expenditures; providing purpose of fund; providing
16 for codification; providing an effective date; and
17 declaring an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 6-104.8 of Title 70, unless
21 there is created a duplication in numbering, reads as follows:

22 A. 1. Full-time employees of a public school district in this
23 state who have been employed by the school district for at least one
24 year and have worked at least one thousand two hundred fifty (1,250)
hours during the preceding twelve-month period;

2. Persons employed full time as classroom instructional
employees of technology center school districts supervised by the
State Board of Career and Technology Education who have been
employed by the technology center school district for at least one

1 year and have worked at least one thousand two hundred fifty (1,250)
2 hours during the preceding twelve-month period;

3 3. Persons employed as teachers by the State Department of
4 Rehabilitation Services who have been employed by the State
5 Department of Rehabilitation Services for at least one year and have
6 worked at least one thousand two hundred fifty (1,250) hours during
7 the preceding twelve-month period;

8 4. Persons employed full time as correctional teachers or
9 vocational instructors by the Department of Corrections pursuant to
10 Section 510.6a of Title 57 of the Oklahoma Statutes who have been
11 employed by a Department of Corrections facility for at least one
12 year and have worked at least one thousand two hundred fifty (1,250)
13 hours during the preceding twelve-month period; and

14 5. Persons employed full time as teachers by the Office of
15 Juvenile Affairs who have been employed by an Office of Juvenile
16 Affairs facility for at least one year and have worked at least one
17 thousand two hundred fifty (1,250) hours during the preceding
18 twelve-month period,
19 shall be entitled to six (6) weeks of paid maternity leave following
20 the birth of the employee's child. The six (6) weeks of paid
21 maternity leave shall be used immediately following the birth of the
22 school district employee's child.

23 B. 1. Paid maternity leave provided pursuant to paragraphs 1,
24 2, and 3 of subsection A of this section shall be in addition to and

1 not in place of sick leave due to pregnancy, as authorized by
2 Section 6-104 of Title 70 of the Oklahoma Statutes.

3 2. Paid maternity leave provided pursuant to paragraph 4 of
4 subsection A of this section shall be in addition to and not in
5 place of sick leave due to pregnancy, as authorized by Section
6 510.6a of Title 57 of the Oklahoma Statutes.

7 3. Paid maternity leave provided pursuant to paragraph 5 of
8 subsection A of this section shall be in addition to and not in
9 place of sick leave due to pregnancy, as authorized by Section 2-7-
10 202 of Title 10A of the Oklahoma Statutes.

11 C. An employee who takes maternity leave pursuant to the
12 provisions of subsection A of this section shall not be deprived of
13 any compensation or other benefits to which the employee is
14 otherwise entitled.

15 D. Each fiscal year, the Legislature shall appropriate adequate
16 funding to the Public School Paid Maternity Leave Revolving Fund
17 created in Section 7 of this act for the purpose of providing paid
18 maternity leave to eligible school district employees pursuant to
19 paragraph 1 of subsection A of this section. If the Legislature
20 does not appropriate adequate funding specifically for the purpose
21 of providing paid maternity leave to school district employees, the
22 State Board of Education shall allocate from the funds appropriated
23 to the State Board of Education for the support of public school
24 activities an amount to fully fund paid maternity leave.

1 E. The State Board of Education, the State Board of Career and
2 Technology Education, the Commission for Rehabilitation Services,
3 the State Board of Corrections, and the Board of Juvenile Affairs
4 may promulgate rules to implement the provisions of this section.

5 SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-104.1, is
6 amended to read as follows:

7 Section 6-104.1. After exhausting sick leave and extended leave
8 pursuant to Sections 6-104 and 6-104.5 of ~~Title 70 of the Oklahoma~~
9 ~~Statutes~~ this title and maternity leave pursuant to Section 1 of
10 this act, a full-time teacher who, with the proper approval of the
11 district board of education, takes not more than ninety (90) school
12 days of leave without pay to care for the teacher's child during the
13 first year of the child's life, shall receive full credit for the
14 days on leave without pay as though the teacher had been on leave
15 with pay for purposes of computing experience for the minimum
16 teacher salary schedule. A teacher on leave without pay pursuant to
17 this section who pays the actuarial cost, as determined by the Board
18 of Trustees of the Teachers' Retirement System of Oklahoma, shall
19 have the period during which such leave without pay is taken,
20 counted toward retirement service credit as though the teacher had
21 been on leave with pay. The teacher shall notify ~~their~~ his or her
22 employer and the System in writing within thirty (30) days from the
23 date he or she returns to service that ~~they~~ he or she will pay such
24 actuarial cost. The teacher shall have up to twelve (12) months

1 from the date he or she returns to service to pay such actuarial
2 cost.

3 SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-104.5, is
4 amended to read as follows:

5 Section 6-104.5. A. If, after exhausting all sick leave
6 pursuant to Section 6-104 of this title and maternity leave pursuant
7 to Section 1 of this act, a teacher is absent from his or her duties
8 due to personal accidental injury, illness, or pregnancy, the
9 teacher shall receive for a period of not to exceed twenty (20) days
10 his or her full contract salary less the amount:

11 1. ~~actually~~ Actually paid a certified substitute teacher for
12 his or her position if a certified substitute teacher is hired; or

13 2. ~~normally~~ Normally paid a certified substitute teacher for
14 his or her position if a certified substitute teacher is not hired.

15 B. The district's plan may provide that the teacher is entitled
16 to payment for accrued but unused sick leave upon termination of
17 employment.

18 SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-104.6, is
19 amended to read as follows:

20 Section 6-104.6. A. The board of education of each school
21 district may establish a leave sharing program for all district
22 employees. The program shall permit district employees to donate
23 sick leave to a fellow district employee who is pregnant or
24 recovering from childbirth or who is suffering from or has a

1 relative or household member suffering from an extraordinary or
2 severe illness, injury, impairment, or physical or mental condition
3 which has caused or is likely to cause the employee to take leave
4 without pay or to terminate employment.

5 B. As used in this section:

6 1. "Relative of the employee" means a spouse, child, stepchild,
7 grandchild, grandparent, stepparent, or parent of the employee;

8 2. "Household members" means those persons who reside in the
9 same home, who have reciprocal duties to and do provide financial
10 support for one another. This term shall include foster children
11 and legal wards even if they do not live in the household. The term
12 does not include persons sharing the same general house, when the
13 living style is primarily that of a dormitory or commune;

14 3. "Severe" or "extraordinary" means serious, extreme, or life-
15 threatening including temporary disability resulting from pregnancy,
16 miscarriage, childbirth, and recovery therefrom; and

17 4. "District employee" means a teacher or any full-time
18 employee of the school district.

19 C. A district employee may be eligible to receive shared leave
20 pursuant to the following conditions:

21 1. The board of education determines that the employee meets
22 the criteria described in this section; and

23 2. The employee has abided by district policies regarding the
24 use of sick leave.

1 D. A district employee may donate annual leave to another
2 district employee only pursuant to the following conditions:

3 1. The receiving employee has exhausted, or will exhaust, ~~only~~
4 maternity leave granted pursuant to Section 1 of this act or sick
5 leave earned pursuant to Section 6-104 of this title due to
6 pregnancy, miscarriage, childbirth and recovery therefrom, an
7 illness, injury, impairment, or physical or mental condition, which
8 is of an extraordinary or severe nature, and involves the employee,
9 a relative of the employee, or household member;

10 2. The condition has caused, or is likely to cause, the
11 employee to go on leave without pay or to terminate employment;

12 3. The board of education of the district permits the leave to
13 be shared with an eligible employee;

14 4. The amount of leave to be donated is within the limits set
15 by the board of education of the district; and

16 5. District employees may not donate excess sick leave that the
17 donor would not be able to otherwise take.

18 E. The board of education of each school district shall
19 determine the amount of donated leave an employee may receive.

20 F. The board of education shall require the employee to submit,
21 prior to approval or disapproval, a medical certificate from a
22 licensed physician or health care practitioner verifying the severe
23 or extraordinary nature and expected duration of the condition.

24

1 G. Donated sick leave is transferable between employees of
2 different school districts in the state with the agreement of both
3 boards of education of each school district.

4 H. The receiving employee shall be paid the regular rate of pay
5 of the employee. The sick leave received will be designated as
6 shared sick leave and be maintained separately from all other sick
7 leave balances.

8 I. Any donated sick leave may only be used by the recipient for
9 the purposes specified in this section.

10 J. ~~Only~~ Maternity leave granted pursuant to Section 1 of this
11 act and sick leave earned pursuant to Section 6-104 of this title
12 available for use by the recipient ~~must~~ shall be used prior to using
13 shared sick leave.

14 K. Any shared sick leave not used by the recipient during each
15 occurrence as determined by the board of education shall be returned
16 to the donor. The shared sick leave remaining will be divided among
17 the donors on a prorated basis based on the original donated value
18 and returned at its original donor value and reinstated to the
19 annual leave balance of each donor.

20 L. All donated sick leave ~~must~~ shall be given voluntarily. No
21 employee shall be coerced, threatened, intimidated, or financially
22 induced into donating sick leave for purposes of the leave sharing
23 program.

24

1 M. In addition to the sick leave sharing program provided for
2 in this section, the board of education of each school district may
3 establish a sick leave sharing bank for all district employees. A
4 district employee may donate sick leave to a common fund which may
5 be used by any district employee who is eligible to receive shared
6 leave as set forth in subsection A of this section. The terms and
7 conditions for donation and use of sick leave to a leave sharing
8 bank shall be subject to the provisions of this section, unless
9 negotiations, entered into pursuant to Section 509.1 et seq. of this
10 title, between district employees and the school district establish
11 terms and conditions for a sick leave sharing bank in excess of
12 those provided for in this section.

13 SECTION 5. AMENDATORY 10A O.S. 2021, Section 2-7-202, as
14 last amended by Section 1 of Enrolled House Bill No. 1842 of the 1st
15 Session of the 59th Oklahoma Legislature, is amended to read as
16 follows:

17 Section 2-7-202. A. There is hereby created the Office of
18 Juvenile Affairs which shall be responsible for programs and
19 services for youthful offenders and juveniles alleged or adjudicated
20 to be delinquent or in need of supervision. The Executive Director
21 shall be responsible for established divisions and appointing
22 Division Directors within the Office of Juvenile Affairs.

23 B. Suitable office space shall be provided by the Office of
24 Management and Enterprise Services to the Office of Juvenile

1 Affairs, to the extent necessary for the Office to implement its
2 jurisdictional duties provided by the Oklahoma Juvenile Code, and
3 the Office may incur necessary expenses for office rent.

4 C. Effective July 1, 1995, the Office of Juvenile Affairs shall
5 be a Merit System agency and all employees of the Office of Juvenile
6 Affairs shall be classified employees who are subject to the
7 Oklahoma Personnel Act and the Merit System of Personnel
8 Administration, except as otherwise provided by law. Eligible
9 persons employed as teachers by the Office of Juvenile Affairs shall
10 be entitled to paid maternity leave as provided for in Section 1 of
11 this act. Effective June 1, 2020, employees hired for service at
12 the Southwest Oklahoma Juvenile Center in Manitou shall be
13 considered unclassified and employed in a term-limited appointment.
14 If state services continue at the facility after the designated
15 term, the employee may be transferred into a non-term-limited
16 position. Current employees and employees hired prior to June 1,
17 2020, shall not be subject to this provision.

18 D. Effective July 1, 1995, within its jurisdictional areas of
19 responsibility, the Office of Juvenile Affairs, acting through the
20 Executive Director, or persons authorized by law, rule or designated
21 by the Executive Director to perform such acts, shall have the power
22 and duty to:

23
24

- 1 1. Advise, consult, cooperate and enter into agreements with
2 agencies of the state, municipalities and counties, other states and
3 the federal government, and other persons;
- 4 2. Enter into agreements for, accept, administer and use,
5 disburse and administer grants of money, personnel and property from
6 the federal government or any department or agency thereof, or from
7 any state or state agency, or from any other source, to promote and
8 carry on in this state any program within its jurisdictional area of
9 responsibility;
- 10 3. Require the establishment and maintenance of records and
11 reports;
- 12 4. Establish a system of training for personnel in order to
13 assure uniform statewide application of law and rules;
- 14 5. Enforce the provisions of the Oklahoma Juvenile Code and
15 rules promulgated thereunder and orders issued pursuant thereto;
- 16 6. Charge and receive fees pursuant to fee schedules
17 promulgated by the Board of Juvenile Affairs;
- 18 7. Conduct studies, research and planning of programs and
19 functions, pursuant to the authority granted by the Oklahoma
20 Juvenile Code;
- 21 8. Enter into interagency agreements;
- 22 9. Provide administrative and support services to the Board of
23 Juvenile Affairs as necessary to assist the Board in the performance
24 of its duties;

1 10. Establish and maintain such facilities and institutions as
2 are necessary or convenient for the operation of programs for
3 children under the jurisdiction of the Office of Juvenile Affairs;

4 11. Lease, from time to time, any real property which the Board
5 of Juvenile Affairs shall determine advisable to more fully carry
6 into effect the operation of the Office of Juvenile Affairs in
7 accordance with applicable state statutes. All such leases for real
8 property shall be subject to the provisions of Section 63 of Title
9 74 of the Oklahoma Statutes;

10 12. Purchase or lease any equipment, supplies or materials
11 pursuant to the Oklahoma Central Purchasing Act;

12 13. Contract for professional services;

13 14. Acquire, construct, extend, and operate any and all
14 facilities of all kinds which in the judgment of the Executive
15 Director and the approval of the Legislature shall be necessary or
16 convenient to carry out the duties of the Office of Juvenile
17 Affairs, as authorized by law;

18 15. Establish an employee recruitment and referral incentive
19 program and promulgate internal agency policy for the operation of
20 the program, which may include, but shall not be limited to, program
21 purposes, pay incentives for employees, eligibility requirements,
22 payment conditions and amounts, payment methods, payment recoupment,
23 and record keeping; and

24

1 16. Exercise all incidental powers which are necessary and
2 proper to implement and administer the purposes of the Oklahoma
3 Juvenile Code.

4 E. The Office of Juvenile Affairs shall maintain a fair, simple
5 and expeditious system for resolution of grievances of all persons
6 committed to the Office of Juvenile Affairs regarding the substance
7 or application of any written or unwritten policy, rule of the Board
8 of Juvenile Affairs or of an agent or contractor of the Office of
9 Juvenile Affairs or any decision, behavior or action by an employee,
10 agent or contractor or by any other person committed to the Office
11 of Juvenile Affairs.

12 F. Effective November 1, 2012, the Office of Juvenile Affairs
13 shall establish a system of certification in accordance with the
14 Oklahoma Child Care Facilities Licensing Act for the shelters
15 managed and operated by the Department of Human Services pursuant to
16 the requirements of Section 1-9-111 of this title. The Office of
17 Juvenile Affairs shall certify shelters pursuant to the requirements
18 of existing rules as established by the Oklahoma Commission on
19 Children and Youth until such time the Office of Juvenile Affairs
20 has promulgated rules for the certification of shelters.

21 SECTION 6. AMENDATORY 57 O.S. 2021, Section 510.6a, is
22 amended to read as follows:

23 Section 510.6a. A. Persons certified to teach in ~~the State of~~
24 ~~Oklahoma~~ this state and meeting all minimum qualifications set by

1 the Office of Management and Enterprise Services, who are hired or
2 employed as ~~Correctional Teachers~~ correctional teachers or
3 ~~Vocational Instructors~~ vocational instructors by the Department of
4 Corrections educational program, shall receive in salary the minimum
5 amounts specified in ~~Section 18-114.12 of Title 70 of the Oklahoma~~
6 ~~Statutes~~ Section 1 of Enrolled Senate Bill No. 1119 of the 1st
7 Session of the 59th Oklahoma Legislature multiplied by a factor of
8 1.20. Correctional ~~Teachers~~ teachers serving as lead workers with
9 supervisory responsibilities shall receive the minimum amounts
10 specified above multiplied by a factor of 1.25. Correctional
11 ~~Teachers~~ teachers who have a special education certificate shall
12 receive salary of an additional five percent (5%). Correctional
13 ~~Teachers~~ teachers shall receive the benefits set forth in Sections
14 1370 and 1707 of Title 74 of the Oklahoma Statutes; provided,
15 however, ~~Correctional Teachers~~ correctional teachers shall not be
16 eligible for longevity payments pursuant to Section 840-2.18 of
17 Title 74 of the Oklahoma Statutes. Eligible persons employed as
18 correctional teachers or vocational instructors by the Department of
19 Corrections shall be entitled to paid maternity leave as provided
20 for in Section 1 of this act.

21 B. Persons employed by the Department of Corrections school
22 system as nonteaching administrators shall be in the unclassified
23 service and shall not be placed under the classified service;
24 however, any classified employee occupying an administrative

1 position prior to July 1, 2000, shall retain the right to remain in
2 the classified service. At such time as such position becomes
3 vacant, it shall be placed in the unclassified service.

4 C. Except as provided by this section of law, the employment of
5 persons by the Department of Corrections educational program as
6 teachers or administrators shall be entirely governed by the
7 provisions of Title 74 of the Oklahoma Statutes and any other laws
8 or rules regarding state employees and their employment; however, no
9 Department of Corrections ~~Correctional Teacher~~ correctional teacher
10 or ~~Vocational Instructor~~ vocational instructor, whose salary is
11 calculated in accordance with the provisions of this section, shall
12 be entitled to receive any pay increases for state employees
13 authorized elsewhere in statute, rule, or law. Correctional
14 ~~Teachers~~ teachers or ~~Vocational Instructors~~ vocational instructors
15 shall receive any legislated pay increases granted in addition to
16 the Title 70 minimum salary schedule; provided, such increases are
17 given to all common education/vocational technical teachers.

18 D. The salaries for all ~~Correctional Teachers~~ correctional
19 teachers and ~~Vocational Instructors~~ vocational instructors shall be
20 adjusted annually on July 1 unless legislation authorizes a pay
21 raise for educators with an implementation date other than July 1,
22 in which case the annual adjustment shall occur on the date of the
23 pay raise implementation.

24

1 E. The monthly salaries of ~~Correctional Teachers~~ correctional
2 teachers and ~~Vocational Instructors~~ vocational instructors employed
3 by the Department of Corrections on the effective date of this act
4 will be adjusted according to the procedures authorized in
5 subsection A of this section on the first day of the month following
6 the effective date of this act. Longevity payments will be
7 eliminated in the month following the effective date of this act for
8 ~~Correctional Teachers~~ correctional teachers and ~~Vocational~~
9 ~~Instructors~~ vocational instructors whose salaries are calculated
10 according to the provisions of this section. The salaries of the
11 employees governed by this section who are employed on the effective
12 date of this act will be recalculated. The recalculation will be
13 based on the provisions of subsection A of this section for actual
14 time employed as a Department of Corrections ~~Correctional Teacher~~
15 correctional teacher or ~~Vocational Instructor~~ vocational instructor
16 between July 1, 2004, and the last day of the month in which this
17 act becomes effective. Authorized employees will receive a one-time
18 payment equal to the difference between the recalculated salary
19 amount and the compensation received.

20 SECTION 7. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 6-104.9 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. There is hereby created in the State Treasury a revolving
24 fund for the State Board of Education to be designated the "Public

1 School Paid Maternity Leave Revolving Fund". The fund shall be a
2 continuing fund, not subject to fiscal year limitations, and shall
3 consist of all monies received by the State Board of Education from
4 state appropriations. All monies accruing to the credit of the fund
5 are hereby appropriated and may be budgeted and expended by the
6 State Board of Education for the purpose of reimbursing school
7 districts for expenses related to providing paid maternity leave as
8 provided for in subsection B of this section. Expenditures from the
9 fund shall be made upon warrants issued by the State Treasurer
10 against claims filed as prescribed by law with the Director of the
11 Office of Management and Enterprise Services for approval and
12 payment.

13 B. School districts in this state shall file claims with the
14 State Board of Education for reimbursement of expenses related to
15 providing eligible employees with paid maternity leave as provided
16 for in Section 1 of this act.

17 SECTION 8. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-104.10 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 A. There is hereby created in the State Treasury a revolving
21 fund for the Office of Management and Enterprise Services to be
22 designated the "Education Employee Paid Maternity Leave Revolving
23 Fund". The fund shall be a continuing fund, not subject to fiscal
24 year limitations, and shall consist of all monies received by the

1 Office of Management and Enterprise Services from state
2 appropriations. All monies accruing to the credit of the fund are
3 hereby appropriated and may be budgeted and expended by the Office
4 of Management and Enterprise Services for the purpose of reimbursing
5 agencies for expenses related to providing paid maternity leave as
6 provided for in subsection B of this section. Expenditures from the
7 fund shall be made upon warrants issued by the State Treasurer
8 against claims filed as prescribed by law with the Director of the
9 Office of Management and Enterprise Services for approval and
10 payment.

11 B. The Oklahoma Department of Career and Technology Education,
12 State Department of Rehabilitation Services, the Department of
13 Corrections, and the Office of Juvenile Affairs shall file claims
14 with the Director of the Office of Management and Enterprise
15 Services for reimbursement of expenses related to providing eligible
16 employees with paid maternity leave as provided for in Section 1 of
17 this act.

18 SECTION 9. This act shall become effective July 1, 2023.

19 SECTION 10. 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.

23

24 59-1-2220 EB 5/16/2023 1:20:51 PM