

1 **SENATE FLOOR VERSION**

2 February 18, 2021

3 SENATE BILL NO. 282

By: Simpson

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6 An Act relating to the Oklahoma Personnel Act;
7 amending 74 O.S. 2011, Section 840-2.20, as amended
8 by Section 879, Chapter 304, O.S.L. 2012 (74 O.S.
9 Supp. 2020, Section 840-2.20), which relates to leave
10 benefits; allowing for an increase of accumulation
11 limits on leave and allowing carryover of leave
12 following an emergency declaration; providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.20, as
16 amended by Section 879, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
17 2020, Section 840-2.20), is amended to read as follows:

18 Section 840-2.20. A. The Director of the Office of Management
19 and Enterprise Services shall promulgate such emergency and
20 permanent rules regarding leave and holiday leave as are necessary
21 to assist the state and its agencies.

22 The Director of the Office of Management and Enterprise
23 Services, in adopting new rules, amending rules and repealing rules,
24 shall ensure that the following provisions are incorporated:

1. Eligible employees who enter on duty or who are reinstated
after a break in service shall receive leave benefits in accordance

1 with the schedule outlined below. Leave shall be accrued based upon
2 hours worked, paid leave, and holidays, but excluding overtime, not
3 to exceed the total possible work hours for the pay period. Years
4 of service shall be based on cumulative periods of employment
5 calculated in the manner that cumulative service is determined for
6 longevity purposes pursuant to Section 840-2.18 of this title.
7 Employees may accumulate more than the maximum annual leave
8 accumulation limits shown in the schedule below, provided that such
9 excess is used during the same calendar year in which it accrues or
10 within twelve (12) months of the date on which it accrues, at the
11 discretion of the appointing authority. If an employee whose job
12 duties include providing fire protection services, law enforcement
13 services or services with the Department of Corrections is unable to
14 use excess leave as provided for in this paragraph because the
15 employee's request for leave is denied by the employee's appointing
16 authority and the denial of leave is due to extraordinary
17 circumstances such that taking leave could pose a threat to public
18 safety, health or welfare, the employee shall receive compensation
19 at the employee's regular rate of pay for the amount of excess leave
20 the employee is unable to use. Such compensation shall be paid at
21 the end of the time period during which the excess leave was
22 required to have been used;

23 2. From November 1, 2001, the following accrual rates and
24 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

10 Following an emergency declaration as described in Section 683.8
11 of Title 63 of the Oklahoma Statutes, the accumulation limits for
12 annual leave shall temporarily increase and shall carryover to the
13 end of the fiscal year following the year in which the emergency
14 declaration ended.

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

19 4. Employees shall not be entitled to retroactive accumulation
20 of leave as a result of amendments to this section;

21 5. The Director of the Office of Management and Enterprise
22 Services and the Executive Director of the Oklahoma Merit Protection
23 Commission shall cooperate to assist agencies in developing policies
24 to prevent violence in state government workplaces without abridging

1 the rights of state employees. Such policy shall include a paid
2 administrative leave provision as a cooling-off period which the
3 Director of the Office of Management and Enterprise Services is
4 authorized to provide pursuant to the Administrative Procedures Act.
5 Such leave shall not be charged to annual or sick leave
6 accumulations;

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

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

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

23 9. Employees who are reserve deputy sheriffs pursuant to
24 Section 547 of Title 19 of the Oklahoma Statutes and who miss work

1 in performing their duties in case of emergency shall not have to
2 use any accrued leave or need to make up any time due to the
3 performance of their reserve deputy sheriff duties.

4 B. Nothing in the Oklahoma Personnel Act is intended to prevent
5 or discourage an appointing authority from disciplining or
6 terminating an employee due to abuse of leave benefits or
7 absenteeism. Appointing authorities are encouraged to consider
8 attendance of employees in making decisions regarding promotions,
9 pay increases, and discipline.

10 C. Upon the transfer of a function in state government to an
11 entity outside state government, employees may, with the agreement
12 of the outside entity, waive any payment for leave accumulations to
13 which the employee is entitled and authorize the transfer of the
14 leave accumulations or a portion thereof to the outside entity.

15 SECTION 2. This act shall become effective November 1, 2021.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 February 18, 2021 - DO PASS

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