

1 ENGROSSED HOUSE
2 BILL NO. 2294

By: Roberts (Dustin) and Bell
of the House

3 and

4 Montgomery of the Senate
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7 An Act relating to state government; amending 74 O.S.
8 2011, Section 840-2.20, as amended by Section 879,
9 Chapter 304, O.S.L. 2012 (74 O.S. Supp. 2020, Section
10 840-2.20), which relates to the Oklahoma Personnel
11 Act; modifying leave benefits; increasing
12 accumulation limits; authorizing option for payment
of certain leave; and providing an effective date.

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

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

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

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

3 2. From November 1, 2001, the following accrual rates and
4 accumulation limits apply to eligible employees as follows:

| | ACCRUAL RATES | | | ACCUMULATION |
|----|--------------------------|-------------|------------|--------------|
| | | | | LIMITS |
| | Cumulative | | | |
| | Years of | Annual | Sick | Annual |
| | Service | Leave | Leave | Leave |
| 10 | Persons employed 0-5 yrs | = 15 day/yr | 15 days/yr | 30 days |
| 11 | 5-10 yrs | = 18 day/yr | 15 days/yr | 60 days |
| 12 | 10-20 yrs | = 20 day/yr | 15 days/yr | 60 days |
| 13 | over 20 yrs | = 25 day/yr | 15 days/yr | 60 days |

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

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

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

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

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

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

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

22 9. Employees who are reserve deputy sheriffs pursuant to
23 Section 547 of Title 19 of the Oklahoma Statutes and who miss work
24 in performing their duties in case of emergency shall not have to

1 use any accrued leave or need to make up any time due to the
2 performance of their reserve deputy sheriff duties.

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

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

14 SECTION 2. This act shall become effective July 1, 2022.

15 Passed the House of Representatives the 8th day of March, 2021.

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18 Presiding Officer of the House
of Representatives

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20 Passed the Senate the ___ day of _____, 2021.

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23 Presiding Officer of the Senate

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