

1 **SENATE FLOOR VERSION**

2 February 16, 2017

3 SENATE BILL NO. 233

By: Simpson of the Senate

4 and

5 Hardin of the House

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8 An Act relating to soldiers and sailors; amending 44  
9 O.S. 2011, Section 209, as amended by Section 154,  
10 Chapter 304, O.S.L. 2012 (44 O.S. Supp. 2016, Section  
11 209), and 72 O.S. 2011, Section 48, as amended by  
12 Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.  
13 2016, Section 48), specifying certain leave of  
14 absence from civil employment; and providing an  
15 effective date.

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

17 SECTION 1. AMENDATORY 44 O.S. 2011, Section 209, as  
18 amended by Section 154, Chapter 304, O.S.L. 2012 (44 O.S. Supp.  
19 2016, Section 209), is amended to read as follows:

20 Section 209. All officers and employees of the state or a  
21 political subdivision thereof who are members of the Oklahoma  
22 National Guard or any reserve component of any branch of the United  
23 States military, shall, when ordered by proper authority to active  
24 or inactive service, be entitled to a leave of absence from civil  
employment for the period of active service, without loss of status  
or efficiency rating. During the first thirty (30) calendar days

1 for employees of political subdivisions or the first thirty (30)  
2 regular scheduled work days for state employees, or not to exceed  
3 two hundred forty (240) hours, of the leave of absence in any  
4 federal fiscal year, the officers or employees shall receive their  
5 full regular pay from the employing state agency or political  
6 subdivision. During the remainder of the leave of absence in any  
7 federal fiscal year, the employing state agency or political  
8 subdivision may elect to pay them an amount equal to the difference  
9 between the officers' or employees' full regular pay from the  
10 employing state agency or political subdivision and their Oklahoma  
11 National Guard or United States military reserve component pay,  
12 except that state officers and employees shall receive the  
13 difference between their full regular pay and their Oklahoma  
14 National Guard or United States military reserve component pay when  
15 they are ordered by proper authority to active or inactive service  
16 retroactive to the date that the state officer or employee reported  
17 to active service on or after September 11, 2001, during the period  
18 that Operation Enduring Freedom is in effect, or any subsequent  
19 contingency operation declared by the Secretary of Defense. The  
20 durational limit of protected military service as provided for in  
21 this section shall not be less than that provided by federal law.  
22 If it is necessary in the public interest to provide for the  
23 performance of the duties of their positions during such absence,  
24 the authority having power to fill a vacancy in the positions may

1 appoint substitutes, to be known as acting incumbents, who shall  
2 qualify as required for the regular incumbents and shall receive the  
3 same pay, including benefits and pay adjustments, as fixed by law,  
4 if any, or otherwise such pay, including benefits and pay  
5 adjustments, as may be fixed by proper authority.

6 The Office of Management and Enterprise Services shall  
7 promulgate rules as necessary to implement the provisions of this  
8 section that relate to state employees.

9 SECTION 2. AMENDATORY 72 O.S. 2011, Section 48, as  
10 amended by Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.  
11 2016, Section 48), is amended to read as follows:

12 Section 48. All officers and employees of the state or a  
13 political subdivision thereof who are members, either officers or  
14 enlisted, of the National Guard or any branch of the United States  
15 Military or its reserve components, shall, when ordered by the  
16 proper authority to active or inactive duty or service, be entitled  
17 to a leave of absence from such civilian employment for the period  
18 of such service without loss of status or seniority. During the  
19 first thirty (30) calendar days for employees of political  
20 subdivisions or the first thirty (30) regularly scheduled work days  
21 for state employees, or not to exceed two hundred forty (240) hours,  
22 of such leave of absence in any federal fiscal year, the officers or  
23 employees shall receive their full regular pay from the employing  
24 state agency or political subdivision. During the remainder of such

1 leave of absence in any federal fiscal year, the employing state  
2 agency or political subdivision may elect to pay the officer or  
3 employee an amount equal to the difference between their full  
4 regular pay from the employing state agency or political subdivision  
5 and their military pay, except that state officers and employees  
6 shall receive the difference between their full regular pay and  
7 their Reserve Components pay when they are ordered by proper  
8 authority to active or inactive service retroactive to the date that  
9 the officer or employee reported to active service on or after  
10 September 11, 2001, during the period that Operation Enduring  
11 Freedom is in effect, or any subsequent contingency operation  
12 declared by the Secretary of Defense. The durational limit of  
13 protected military service as provided for in this section shall not  
14 be less than that provided by federal law. If it is necessary in  
15 the public interest to provide for the performance of the duties of  
16 their positions during such absence, the authority having power to  
17 fill a vacancy in the positions may appoint substitutes, to be known  
18 as acting incumbents, who shall qualify as required for the regular  
19 incumbents and shall receive the same pay, including benefits and  
20 pay adjustments as fixed by law, if any, or otherwise such pay,  
21 including benefits and pay adjustments, as may be fixed by proper  
22 authority.

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1       The Office of Management and Enterprise Services shall  
2 promulgate rules as necessary to implement the provisions of this  
3 section that relate to state employees.

4       SECTION 3. This act shall become effective November 1, 2017.

5 COMMITTEE REPORT BY: COMMITTEE ON VETERANS AND MILITARY AFFAIRS  
6 February 16, 2017 - DO PASS  
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