

1 STATE OF OKLAHOMA

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

3 SENATE BILL 302

By: Thompson (Roger)

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5
6 AS INTRODUCED

7 An Act relating to executive state agency payroll
8 systems; requiring conversion to certain type of
9 payroll system by certain date; requiring the
10 Director of the Office of Management and Enterprise
11 Services to make certain determination; amending 62
12 O.S. 2021, Section 34.69, which relates to the
13 creation of payroll fund; clarifying statutory
14 language; creating revolving fund; providing purpose;
15 providing for reversion of fund balance to the
16 General Revenue Fund; deleting reference; modifying
17 definitions; providing deadline for system
18 conversion; deleting certain procedures; directing
19 the Office of Management and Enterprise Services to
20 establish implementation schedule; amending 40 O.S.
21 2021, Section 165.2, as amended by Section 2, Chapter
22 156, O.S.L. 2022 (40 O.S. Supp. 2022, Section 165.2),
23 which relates to payment of wages on regular paydays;
24 providing exception; providing for codification;
25 providing an effective date; and declaring an
26 emergency.

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

28 SECTION 1. NEW LAW A new section of law to be codified
29 in the Oklahoma Statutes as Section 34.67a of Title 62, unless there
30 is created a duplication in numbering, reads as follows:

31 No later than July 31, 2028, every executive state agency, as
32 defined in Section 34.69 of Title 62 of the Oklahoma Statutes, shall
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1 convert to a payroll system that provides payment to employees every
2 two weeks. The Director of the Office of Management and Enterprise
3 Services shall determine the order and timeline by which executive
4 state agencies shall transition to this schedule.

5 SECTION 2. AMENDATORY 62 O.S. 2021, Section 34.69, is
6 amended to read as follows:

7 Section 34.69. A. There is hereby created in the State
8 Treasury a Payroll Fund which shall be used by the Director of the
9 Office of Management and Enterprise Services and the State Treasurer
10 to issue a consolidated payroll for each executive state agency of
11 the state. Payrolls of executive state agencies shall be charged
12 against the Payroll Fund created herein. Each executive state
13 agency shall prepare summary distributions of the amounts of
14 payrolls to be charged against each fund within the State Treasury
15 and the Director shall transfer monies from each fund in the State
16 Treasury to the Payroll Fund amounts as shown on payroll
17 distribution summaries, and shall charge such amounts to the account
18 affected thereby.

19 B. There is hereby created in the State Treasury a revolving
20 fund for the Office of Management and Enterprise Services to be
21 designated the "Payroll System Transition Revolving Fund". The fund
22 shall be a continuing fund, not subject to fiscal year limitations,
23 and shall consist of all monies received by the Office of Management
24 and Enterprise Services from appropriations made by the Legislature

1 and other sources as may be designated by law. All monies accruing
2 to the credit of the fund are hereby appropriated and may be
3 budgeted and expended by the Office of Management and Enterprise
4 Services for the purpose of paying the costs of executive state
5 agencies transitioning to a payroll system that pays employees every
6 two weeks. The Office of Management and Enterprise Services shall
7 be responsible for the scheduling and disbursement of funds needed
8 to pay the agency transition costs. Any balance remaining in this
9 fund on July 31, 2028 shall revert to the General Revenue Fund.
10 Expenditures from the fund shall be made upon warrants issued by the
11 State Treasurer against claims filed as prescribed by law with the
12 Director of the Office of Management and Enterprise Services for
13 approval and payment.

14 ~~B.~~ C. As of July 1, 2010, the Office of Management and
15 Enterprise Services shall make available and each executive state
16 agency shall make available to all state employees a centralized
17 web-based system to access their personal employment and
18 compensation-related information. The provisions of this subsection
19 as it pertains to executive agencies may be waived by the Director
20 of the Office of Management and Enterprise Services in the event
21 that lack of timely access prevents employees from utilizing the
22 centralized system. As used in ~~subsections B, C and D~~ of this
23 section, "executive state agency" shall mean any state agency,
24 authority, board, commission or other entity organized within the

1 executive department of state government. Executive state agency
2 shall not mean any government entity organized or created within the
3 legislative or judicial departments of state government, or
4 institutions within The Oklahoma State System for Higher Education.

5 ~~C.~~ D. Except for institutions within The Oklahoma State System
6 for Higher Education, executive state agencies converting to a
7 ~~multi-monthly payroll system that provides payment to employees~~
8 every two weeks shall consult with the Office of Management and
9 Enterprise Services on the timing of the agency's conversion. The
10 system conversion shall be implemented no later than July 31, 2028.

11 ~~1. All state employees hired during the six (6) months prior to~~
12 ~~an executive state agency's conversion to a multi-monthly payroll~~
13 ~~shall be placed on either the biweekly payroll system or~~
14 ~~supplemental payroll upon the date of hire.~~

15 ~~2. In the six (6) months prior to an executive state agency's~~
16 ~~conversion to multi-monthly payroll, the executive state agency~~
17 ~~shall offer either multi-monthly or supplemental payroll to any~~
18 ~~employee who chooses to participate. The provisions of this~~
19 ~~paragraph shall not apply to employees placed on the multi-monthly~~
20 ~~payroll pursuant to paragraph 1 of this subsection.~~

21 ~~D. Six (6) months prior to an executive state agency converting~~
22 ~~to the multi-monthly payroll system, it shall create employee~~
23 ~~payroll conversion banks for the purpose of providing a one-time~~
24

1 ~~payroll payment to an employee for the gap in payroll payments~~
2 ~~created by the conversion to the multi-monthly system.~~

3 1. ~~Each executive state agency shall allow its employees to~~
4 ~~accumulate funds up to a maximum of eighty (80) hours for the~~
5 ~~conversion bank from the following sources:~~

6 a. ~~earned compensatory time, if the agency normally~~
7 ~~provides its employees compensatory time,~~

8 b. ~~earned annual leave,~~

9 c. ~~earned sick leave up to a maximum of forty (40) hours,~~
10 ~~and~~

11 d. ~~shared leave as approved by the appointing authority.~~

12 2. ~~During the six-month period leading up to an executive state~~
13 ~~agency's conversion to the multi-monthly payroll system, all~~
14 ~~executive state agencies shall inform, in writing or by electronic~~
15 ~~means, all their employees of their leave and compensatory time~~
16 ~~balances on a monthly basis.~~

17 E. The Office of Management and Enterprise Services shall
18 establish procedures and a full implementation schedule concerning
19 the conversion.

20 SECTION 3. AMENDATORY 40 O.S. 2021, Section 165.2, as
21 amended by Section 2, Chapter 156, O.S.L. 2022 (40 O.S. Supp. 2022,
22 Section 165.2), is amended to read as follows:

23 Section 165.2. Every employer in this state shall pay all wages
24 due their employees, other than exempt employees and employees of

1 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and
2 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on
3 regular paydays designated in advance by the employer. Except as
4 provided in Section 1 of this act, State state, county and municipal
5 employees, exempt employees, school district employees, technology
6 center school district employees and employees of nonprivate
7 foundations qualified pursuant to 26 U.S.C. 509(a)(1) and 26 U.S.C.
8 170(b)(1)(A)(vi) shall be paid a minimum of once each calendar
9 month. The amount due such employees shall be paid in lawful money
10 of the United States including payment by electronic means, and the
11 employee shall not be deemed to have waived any right or rights
12 mentioned in this section because of any contract to the contrary.
13 Each employer in this state, in its discretion, may pay all wages
14 due to an employee by deposit on the payday at a financial
15 institution of the employee's choice or, if the employee does not
16 consent or designate a financial institution, to a payroll card
17 account. With each payment of wages earned by such employee, the
18 employer shall issue to such employee a brief itemized statement of
19 any and all deductions therefrom. An interval of not more than
20 eleven (11) days may elapse between the end of the pay period worked
21 and the regular payday designated by the employer. The employer
22 shall be allowed three (3) days after such payday in which to comply
23 with this section.

1 No such employer shall issue, in payment of or as evidence of
2 indebtedness due an employee any check, cashier's check, draft, time
3 check, store order, scrip, or other acknowledgment of indebtedness
4 unless the same is payable or redeemable upon demand without
5 discount and for face value in lawful money of the United States.
6 If an employer pays an employee with a check which is subsequently
7 returned to the employee or an agent thereof by reason of the
8 refusal of the bank upon which such check was drawn to honor the
9 same due to insufficient funds or a stop payment notice, the
10 employer shall reimburse the employee for any fees or costs incurred
11 by the employee due to the refusal to honor the check within
12 fourteen (14) days of the employer's notice of the bank's refusal to
13 honor the check.

14 SECTION 4. This act shall become effective July 1, 2023.

15 SECTION 5. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.
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