

An Act

ENROLLED HOUSE
BILL NO. 2465

By: Dunnington of the House

and

Rosino of the Senate

An Act relating to state government; amending 74 O.S. 2011, Section 840-2.15, which relates to the Oklahoma Personnel Act; prohibiting requiring use of compensatory time if sick leave is available; requiring payment of overtime for certain employees; and providing an effective date.

SUBJECT: Oklahoma Personnel Act

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 840-2.15, is amended to read as follows:

Section 840-2.15 A. The federal Fair Labor Standards Act, 29 U.S.C., Section 201, et seq., provides for minimum standards for overtime entitlement, and spells out administrative procedures by which covered work time must be compensated. This section is not a comprehensive listing of the provisions of the Fair Labor Standards Act and regulations promulgated thereunder, and is not intended to conflict with either the Act or the regulations. ~~No~~ Except as otherwise provided by this section, no agency, board, commission, department, institution, bureau, executive officer or other entity of the executive branch shall exceed the minimum overtime entitlement provisions of the Fair Labor Standards Act and regulations promulgated thereunder except as herein provided.

B. Nothing in this title or the federal Fair Labor Standards Act shall be construed to prohibit an employer from paying an employee who is required to work on a holiday, as defined in Section 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate of two times the employee's regular hourly rate, or from rescheduling the holiday at the discretion of the appointing authority; provided, however, any state employee who is required to

work on a holiday, as defined in Section 82.1 of Title 25 of the Oklahoma Statutes, in the performance of fire suppression duties shall receive holiday pay at a rate of two times the employee's regular hourly rate.

C. Any employee receiving compensatory time consistent with the provisions of the federal Fair Labor Standards Act shall exhaust such compensatory time prior to the taking of annual leave, except where the employee is subject to losing such annual leave due to the application of the accumulation limits in Section 840-2.20 of this title. Employees shall not be required to use compensatory time accrued instead of using sick leave if the employee has sufficient hours available.

D. An employee receiving compensatory time under the provisions of subsection A of this section shall be permitted to use accrued compensatory time within one hundred eighty (180) days following the day on which it was accrued, provided the taking of compensatory time does not unduly impact agency operations or the health, safety or welfare of the public, or endanger public property. Agencies shall not be allowed to extend this one-hundred-eighty-day time period ~~for employees in an institutional setting~~. The balance of any unused compensatory time received but not taken during this time period shall be paid to the employee at the employee's current regular hourly rate. State agencies may require employees to get preapproval for overtime but shall always pay the employee for overtime worked, whether or not the employee received approval.

E. ~~As used in this section, "institutional setting" shall mean any agency or part of any agency where twenty-four-hour care, monitoring or supervision is required for patients, clients or inmates to protect public health, safety or property~~ Beginning January 1, 2020, any state employee earning less than Thirty-one Thousand Dollars (\$31,000.00) annually shall receive overtime pay, instead of compensatory time, for all hours worked over forty (40) hours per week.

SECTION 2. This act shall become effective November 1, 2019.

Passed the House of Representatives the 14th day of March, 2019.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of April, 2019.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____