

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 57th Legislature (2019)

4   HOUSE BILL 2465

                              By: Dunnington

7                               AS INTRODUCED

8           An Act relating to state government; amending 74 O.S.  
9           2011, Section 840-2.15, which relates to the Oklahoma  
10          Personnel Act; prohibiting use of compensatory time  
11          if sick leave is available; requiring payment of  
12          overtime for certain employees; and 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 840-2.15, is  
16   amended to read as follows:

17           Section 840-2.15   A.   The federal Fair Labor Standards Act, 29  
18   U.S.C., Section 201, et seq., provides for minimum standards for  
19   overtime entitlement, and spells out administrative procedures by  
20   which covered work time must be compensated. This section is not a  
21   comprehensive listing of the provisions of the Fair Labor Standards  
22   Act and regulations promulgated thereunder, and is not intended to  
23   conflict with either the Act or the regulations. ~~No~~ Except as  
24   otherwise provided by this section, no agency, board, commission,

1 department, institution, bureau, executive officer or other entity  
2 of the executive branch shall exceed the minimum overtime  
3 entitlement provisions of the Fair Labor Standards Act and  
4 regulations promulgated thereunder except as herein provided.

5 B. Nothing in this title or the federal Fair Labor Standards  
6 Act shall be construed to prohibit an employer from paying an  
7 employee who is required to work on a holiday, as defined in Section  
8 82.1 of Title 25 of the Oklahoma Statutes, for such work at a rate  
9 of two times the employee's regular hourly rate, or from  
10 rescheduling the holiday at the discretion of the appointing  
11 authority; provided, however, any state employee who is required to  
12 work on a holiday, as defined in Section 82.1 of Title 25 of the  
13 Oklahoma Statutes, in the performance of fire suppression duties  
14 shall receive holiday pay at a rate of two times the employee's  
15 regular hourly rate.

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

1 D. An employee receiving compensatory time under the provisions  
2 of subsection A of this section shall be permitted to use accrued  
3 compensatory time within one hundred eighty (180) days following the  
4 day on which it was accrued, provided the taking of compensatory  
5 time does not unduly impact agency operations or the health, safety  
6 or welfare of the public, or endanger public property. Agencies  
7 shall not be allowed to extend this one-hundred-eighty-day time  
8 period ~~for employees in an institutional setting~~. The balance of  
9 any unused compensatory time received but not taken during this time  
10 period shall be paid to the employee at the employee's current  
11 regular hourly rate. Agencies shall not workweek adjust an employee  
12 in order to reduce his or her potential accrual of hours in the same  
13 week in which the hours were accrued. State agencies may require  
14 employees to get preapproval for overtime but shall always pay the  
15 employee for overtime worked, whether or not the employee received  
16 approval.

17 E. ~~As used in this section, "institutional setting" shall mean~~  
18 ~~any agency or part of any agency where twenty-four-hour care,~~  
19 ~~monitoring or supervision is required for patients, clients or~~  
20 ~~inmates to protect public health, safety or property~~ Beginning  
21 January 1, 2020, any state employee earning less than Thirty-seven  
22 Thousand Five Hundred Dollars (\$37,500.00) annually shall receive  
23 overtime pay, instead of compensatory time, for all hours worked  
24 over forty (40) hours per week.

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

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
02/28/2019 - DO PASS.