

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 16x

6 By: Thompson (Roger) and Hall
7 of the Senate

8 and

9 Wallace and Martinez of the
10 House

11 COMMITTEE SUBSTITUTE

12 An Act relating to paid leave for state employees;
13 providing for certain state employees to receive paid
14 maternity leave; requiring that certain employees
15 continue to receive compensation during maternity
16 leave; providing protections for certain employees
17 during maternity leave; authorizing rule
18 promulgation; amending 74 O.S. 2021, Section 840-
19 2.20, as amended by Section 16, Chapter 243, O.S.L.
20 2022 (74 O.S. Supp. 2022, Section 840-2.20), which
21 relates to leave benefits; providing for certain
22 employees to receive paid maternity leave; updating
23 statutory reference and language; providing for
24 codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 840-2.20D of Title 74, unless
there is created a duplication in numbering, reads as follows:

A. Any full-time employee of this state who has been employed
by the state agency for at least two (2) years prior to the request

1 for leave shall be entitled to six (6) weeks of paid maternity leave
2 following the birth or adoption of the employee's child.

3 B. Paid maternity leave pursuant to this section shall be in
4 addition to and not in place of sick leave due to pregnancy, as
5 authorized by Section 840-2.20 of Title 74 of the Oklahoma Statutes.

6 C. An employee who is granted maternity leave pursuant to the
7 provisions of this section shall receive the employee's annual
8 salary without interruption during the maternity leave. For
9 purposes of determining seniority, pay or pay advancement, and
10 performance awards, and for the receipt of any benefit that may be
11 affected by maternity leave, the service of the employee shall be
12 considered uninterrupted by the maternity leave.

13 D. The Director of the Office of Management and Enterprise
14 Services may promulgate rules to implement the provisions of this
15 section.

16 SECTION 2. AMENDATORY 74 O.S. 2021, Section 840-2.20, as
17 amended by Section 16, Chapter 243, O.S.L. 2022 (74 O.S. Supp. 2022,
18 Section 840-2.20), is amended to read as follows:

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

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1 The Director of the Office of Management and Enterprise
2 Services, in adopting new rules, amending rules and repealing rules,
3 shall ensure that the following provisions are incorporated:

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

1 the employee is unable to use. Such compensation shall be paid at
2 the end of the time period during which the excess leave was
3 required to have been used;

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

| 6 ACCRUAL RATES | | | 7 ACCUMULATION | |
|-----------------|--------------------------|-------------|----------------|---------|
| | | | 8 LIMITS | |
| 9 Cumulative | | | | |
| 10 | 11 | 12 | 13 | 14 |
| Years of | Annual | Sick | Annual | |
| Service | Leave | Leave | Leave | |
| 15 | Persons employed 0-5 yrs | = 15 day/yr | 15 days/yr | 30 days |
| 16 | 5-10 yrs | = 18 day/yr | 15 days/yr | 60 days |
| 17 | 10-20 yrs | = 20 day/yr | 15 days/yr | 60 days |
| 18 | over 20 yrs | = 25 day/yr | 15 days/yr | 60 days |

19 Following an emergency declaration as described in Section 683.8
20 of Title 63 of the Oklahoma Statutes, the accumulation limits for
21 annual leave shall temporarily increase and shall carryover to the
22 end of the fiscal year following the year in which the emergency
23 declaration ended.

24 All annual leave that accrued or expired during the period of
the emergency declarations issued by the Governor in 2020 and 2021
in response to the novel coronavirus (COVID-19) shall carry over to
the end of the fiscal year following the year in which the emergency
declaration ended regardless of regulatory provisions that establish

1 a maximum amount of annual leave that may be accumulated by an
2 employee of ~~the State of Oklahoma~~ this state. Expired annual leave
3 governed by this subsection shall be reinstated as of ~~the effective~~
4 ~~date of this act~~ May 7, 2021, and accumulation limits for annual
5 leave shall not apply to amounts accrued or reinstated pursuant to
6 this subsection. Eligibility for reinstatement of annual leave is
7 limited to employees currently employed by ~~the State of Oklahoma~~
8 this state on ~~the effective date of this act~~ May 7, 2021;

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

13 4. Except as provided in paragraph 2 of this subsection,
14 employees shall not be entitled to retroactive accumulation of leave
15 as a result of amendments to this section;

16 5. The Director of the Office of Management and Enterprise
17 Services shall assist agencies in developing policies to prevent
18 violence in state government workplaces without abridging the rights
19 of state employees. Such policies shall include a paid
20 administrative leave provision as a cooling-off period which the
21 Director of the Office of Management and Enterprise Services is
22 authorized to provide pursuant to the Administrative Procedures Act.
23 Such leave shall not be charged to annual or sick leave
24 accumulations;

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

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

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

17 9. Employees who are reserve deputy sheriffs pursuant to
18 Section 547 of Title 19 of the Oklahoma Statutes and who miss work
19 in performing their duties in case of emergency shall not have to
20 use any accrued leave or need to make up any time due to the
21 performance of their reserve deputy sheriff duties; and

22 10. Eligible employees shall be entitled to paid maternity
23 leave as provided for in Section 1 of this act.

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

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

12 SECTION 3. This act shall become effective November 1, 2023.

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