

1 ENGROSSED SENATE
BILL NO. 16x

By: Thompson (Roger) and Hall
of the Senate

3 and

Wallace and Martinez of the
House

7 An Act relating to paid leave for state employees;
8 providing for certain state employees to receive paid
9 maternity leave; requiring that certain employees
10 continue to receive compensation during maternity
11 leave; providing protections for certain employees
12 during maternity leave; authorizing rule
13 promulgation; amending 74 O.S. 2021, Section 840-
2.20, as amended by Section 16, Chapter 243, O.S.L.
2022 (74 O.S. Supp. 2022, Section 840-2.20), which
relates to leave benefits; providing for certain
employees to receive paid maternity leave; updating
statutory reference and language; providing for
codification; and providing an effective date.

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

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

19 A. Any full-time employee of this state who has been employed
20 by the state agency for at least two (2) years prior to the request
21 for leave shall be entitled to six (6) weeks of paid maternity leave
22 following the birth or adoption of the employee's child.

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

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

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

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

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

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

24

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

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

3 ACCRUAL RATES			4 ACCUMULATION	
			5 LIMITS	
6 Cumulative				
7	8	9	10	11
Years of	Annual	Sick	Annual	
Service	Leave	Leave	Leave	
12 Persons employed 0-5 yrs	= 15 day/yr	15 days/yr	30 days	
13 5-10 yrs	= 18 day/yr	15 days/yr	60 days	
14 10-20 yrs	= 20 day/yr	15 days/yr	60 days	
15 over 20 yrs	= 25 day/yr	15 days/yr	60 days	

12 Following an emergency declaration as described in Section 683.8
 13 of Title 63 of the Oklahoma Statutes, the accumulation limits for
 14 annual leave shall temporarily increase and shall carryover to the
 15 end of the fiscal year following the year in which the emergency
 16 declaration ended.

17 All annual leave that accrued or expired during the period of
 18 the emergency declarations issued by the Governor in 2020 and 2021
 19 in response to the novel coronavirus (COVID-19) shall carry over to
 20 the end of the fiscal year following the year in which the emergency
 21 declaration ended regardless of regulatory provisions that establish
 22 a maximum amount of annual leave that may be accumulated by an
 23 employee of ~~the State of Oklahoma~~ this state. Expired annual leave
 24 governed by this subsection shall be reinstated as of ~~the effective~~

1 ~~date of this act~~ May 7, 2021, and accumulation limits for annual
2 leave shall not apply to amounts accrued or reinstated pursuant to
3 this subsection. Eligibility for reinstatement of annual leave is
4 limited to employees currently employed by ~~the State of Oklahoma~~
5 this state on the effective date of this act May 7, 2021;

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

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

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

22 6. State employees who terminated their employment in the state
23 service on or after October 1, 1992, may be eligible to have sick
24 leave accrued at the time of termination of employment restored if

1 they return to state employment provided that the state employees'
2 enter-on-duty dates for reemployment occur on or before two (2)
3 years after their termination of employment and they are eligible to
4 accrue sick leave before the two (2) years expire;

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

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

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

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

21 B. Nothing in law is intended to prevent or discourage an
22 appointing authority from disciplining or terminating an employee
23 due to abuse of leave benefits or absenteeism. Appointing
24 authorities are encouraged to consider attendance of employees in

1 making decisions regarding promotions, pay increases, and
2 discipline.

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

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

9 Passed the Senate the 24th day of May, 2023.

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11 _____
12 Presiding Officer of the Senate

13 Passed the House of Representatives the ____ day of _____,
14 2023.

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16 _____
17 Presiding Officer of the House
18 of Representatives