

1 Legislature, which relates to duties of the Office of
2 Juvenile Affairs; entitling certain eligible
3 employees to paid maternity leave; amending 57 O.S.
4 2021, Section 510.6a, which relates to salaries for
5 correctional teachers; updating statutory language;
6 updating statutory reference; entitling certain
7 eligible employees to paid maternity leave; creating
8 the Public School Paid Maternity Leave Revolving
9 Fund; specifying source of fund; providing for
10 expenditures; providing purpose of fund; creating the
11 Education Employee Paid Maternity Leave Revolving
12 Fund; specifying source of fund; providing for
13 expenditures; providing purpose of fund; providing
14 for codification; providing an effective date; and
15 declaring an emergency.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 6-104.8 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 A. 1. Full-time employees of a public school district in this
21 state who have been employed by the school district for at least one
22 year and have worked at least one thousand two hundred fifty (1,250)
23 hours during the preceding twelve-month period;

24 2. Persons employed full time as classroom instructional
employees of technology center school districts supervised by the
State Board of Career and Technology Education who have been
employed by the technology center school district for at least one
year and have worked at least one thousand two hundred fifty (1,250)
hours during the preceding twelve-month period;

1 3. Persons employed as teachers by the State Department of
2 Rehabilitation Services who have been employed by the State
3 Department of Rehabilitation Services for at least one year and have
4 worked at least one thousand two hundred fifty (1,250) hours during
5 the preceding twelve-month period;

6 4. Persons employed full time as correctional teachers or
7 vocational instructors by the Department of Corrections pursuant to
8 Section 510.6a of Title 57 of the Oklahoma Statutes who have been
9 employed by a Department of Corrections facility for at least one
10 year and have worked at least one thousand two hundred fifty (1,250)
11 hours during the preceding twelve-month period; and

12 5. Persons employed full time as teachers by the Office of
13 Juvenile Affairs who have been employed by an Office of Juvenile
14 Affairs facility for at least one year and have worked at least one
15 thousand two hundred fifty (1,250) hours during the preceding
16 twelve-month period,
17 shall be entitled to six (6) weeks of paid maternity leave following
18 the birth of the employee's child. The six (6) weeks of paid
19 maternity leave shall be used immediately following the birth of the
20 school district employee's child.

21 B. 1. Paid maternity leave provided pursuant to paragraphs 1,
22 2, and 3 of subsection A of this section shall be in addition to and
23 not in place of sick leave due to pregnancy, as authorized by
24 Section 6-104 of Title 70 of the Oklahoma Statutes.

1 2. Paid maternity leave provided pursuant to paragraph 4 of
2 subsection A of this section shall be in addition to and not in
3 place of sick leave due to pregnancy, as authorized by Section
4 510.6a of Title 57 of the Oklahoma Statutes.

5 3. Paid maternity leave provided pursuant to paragraph 5 of
6 subsection A of this section shall be in addition to and not in
7 place of sick leave due to pregnancy, as authorized by Section 2-7-
8 202 of Title 10A of the Oklahoma Statutes.

9 C. An employee who takes maternity leave pursuant to the
10 provisions of subsection A of this section shall not be deprived of
11 any compensation or other benefits to which the employee is
12 otherwise entitled.

13 D. Each fiscal year, the Legislature shall appropriate adequate
14 funding to the Public School Paid Maternity Leave Revolving Fund
15 created in Section 7 of this act for the purpose of providing paid
16 maternity leave to eligible school district employees pursuant to
17 paragraph 1 of subsection A of this section. If the Legislature
18 does not appropriate adequate funding specifically for the purpose
19 of providing paid maternity leave to school district employees, the
20 State Board of Education shall allocate from the funds appropriated
21 to the State Board of Education for the support of public school
22 activities an amount to fully fund paid maternity leave.

23 E. The State Board of Education, the State Board of Career and
24 Technology Education, the Commission for Rehabilitation Services,

1 the State Board of Corrections, and the Board of Juvenile Affairs
2 may promulgate rules to implement the provisions of this section.

3 SECTION 2. AMENDATORY 70 O.S. 2021, Section 6-104.1, is
4 amended to read as follows:

5 Section 6-104.1. After exhausting sick leave and extended leave
6 pursuant to Sections 6-104 and 6-104.5 of ~~Title 70 of the Oklahoma~~
7 ~~Statutes~~ this title and maternity leave pursuant to Section 1 of
8 this act, a full-time teacher who, with the proper approval of the
9 district board of education, takes not more than ninety (90) school
10 days of leave without pay to care for the teacher's child during the
11 first year of the child's life, shall receive full credit for the
12 days on leave without pay as though the teacher had been on leave
13 with pay for purposes of computing experience for the minimum
14 teacher salary schedule. A teacher on leave without pay pursuant to
15 this section who pays the actuarial cost, as determined by the Board
16 of Trustees of the Teachers' Retirement System of Oklahoma, shall
17 have the period during which such leave without pay is taken,
18 counted toward retirement service credit as though the teacher had
19 been on leave with pay. The teacher shall notify ~~their~~ his or her
20 employer and the System in writing within thirty (30) days from the
21 date he or she returns to service that ~~they~~ he or she will pay such
22 actuarial cost. The teacher shall have up to twelve (12) months
23 from the date he or she returns to service to pay such actuarial
24 cost.

1 SECTION 3. AMENDATORY 70 O.S. 2021, Section 6-104.5, is
2 amended to read as follows:

3 Section 6-104.5. A. If, after exhausting all sick leave
4 pursuant to Section 6-104 of this title and maternity leave pursuant
5 to Section 1 of this act, a teacher is absent from his or her duties
6 due to personal accidental injury, illness, or pregnancy, the
7 teacher shall receive for a period of not to exceed twenty (20) days
8 his or her full contract salary less the amount:

9 1. ~~actually~~ Actually paid a certified substitute teacher for
10 his or her position if a certified substitute teacher is hired; or

11 2. ~~normally~~ Normally paid a certified substitute teacher for
12 his or her position if a certified substitute teacher is not hired.

13 B. The district's plan may provide that the teacher is entitled
14 to payment for accrued but unused sick leave upon termination of
15 employment.

16 SECTION 4. AMENDATORY 70 O.S. 2021, Section 6-104.6, is
17 amended to read as follows:

18 Section 6-104.6. A. The board of education of each school
19 district may establish a leave sharing program for all district
20 employees. The program shall permit district employees to donate
21 sick leave to a fellow district employee who is pregnant or
22 recovering from childbirth or who is suffering from or has a
23 relative or household member suffering from an extraordinary or
24 severe illness, injury, impairment, or physical or mental condition

1 which has caused or is likely to cause the employee to take leave
2 without pay or to terminate employment.

3 B. As used in this section:

4 1. "Relative of the employee" means a spouse, child, stepchild,
5 grandchild, grandparent, stepparent, or parent of the employee;

6 2. "Household members" means those persons who reside in the
7 same home, who have reciprocal duties to and do provide financial
8 support for one another. This term shall include foster children
9 and legal wards even if they do not live in the household. The term
10 does not include persons sharing the same general house, when the
11 living style is primarily that of a dormitory or commune;

12 3. "Severe" or "extraordinary" means serious, extreme, or life-
13 threatening including temporary disability resulting from pregnancy,
14 miscarriage, childbirth, and recovery therefrom; and

15 4. "District employee" means a teacher or any full-time
16 employee of the school district.

17 C. A district employee may be eligible to receive shared leave
18 pursuant to the following conditions:

19 1. The board of education determines that the employee meets
20 the criteria described in this section; and

21 2. The employee has abided by district policies regarding the
22 use of sick leave.

23 D. A district employee may donate annual leave to another
24 district employee only pursuant to the following conditions:

1 1. The receiving employee has exhausted, or will exhaust, ~~only~~
2 maternity leave granted pursuant to Section 1 of this act or sick
3 leave earned pursuant to Section 6-104 of this title due to
4 pregnancy, miscarriage, childbirth and recovery therefrom, an
5 illness, injury, impairment, or physical or mental condition, which
6 is of an extraordinary or severe nature, and involves the employee,
7 a relative of the employee, or household member;

8 2. The condition has caused, or is likely to cause, the
9 employee to go on leave without pay or to terminate employment;

10 3. The board of education of the district permits the leave to
11 be shared with an eligible employee;

12 4. The amount of leave to be donated is within the limits set
13 by the board of education of the district; and

14 5. District employees may not donate excess sick leave that the
15 donor would not be able to otherwise take.

16 E. The board of education of each school district shall
17 determine the amount of donated leave an employee may receive.

18 F. The board of education shall require the employee to submit,
19 prior to approval or disapproval, a medical certificate from a
20 licensed physician or health care practitioner verifying the severe
21 or extraordinary nature and expected duration of the condition.

22 G. Donated sick leave is transferable between employees of
23 different school districts in the state with the agreement of both
24 boards of education of each school district.

1 H. The receiving employee shall be paid the regular rate of pay
2 of the employee. The sick leave received will be designated as
3 shared sick leave and be maintained separately from all other sick
4 leave balances.

5 I. Any donated sick leave may only be used by the recipient for
6 the purposes specified in this section.

7 J. ~~Only~~ Maternity leave granted pursuant to Section 1 of this
8 act and sick leave earned pursuant to Section 6-104 of this title
9 available for use by the recipient ~~must~~ shall be used prior to using
10 shared sick leave.

11 K. Any shared sick leave not used by the recipient during each
12 occurrence as determined by the board of education shall be returned
13 to the donor. The shared sick leave remaining will be divided among
14 the donors on a prorated basis based on the original donated value
15 and returned at its original donor value and reinstated to the
16 annual leave balance of each donor.

17 L. All donated sick leave ~~must~~ shall be given voluntarily. No
18 employee shall be coerced, threatened, intimidated, or financially
19 induced into donating sick leave for purposes of the leave sharing
20 program.

21 M. In addition to the sick leave sharing program provided for
22 in this section, the board of education of each school district may
23 establish a sick leave sharing bank for all district employees. A
24 district employee may donate sick leave to a common fund which may

1 be used by any district employee who is eligible to receive shared
2 leave as set forth in subsection A of this section. The terms and
3 conditions for donation and use of sick leave to a leave sharing
4 bank shall be subject to the provisions of this section, unless
5 negotiations, entered into pursuant to Section 509.1 et seq. of this
6 title, between district employees and the school district establish
7 terms and conditions for a sick leave sharing bank in excess of
8 those provided for in this section.

9 SECTION 5. AMENDATORY 10A O.S. 2021, Section 2-7-202, as
10 last amended by Section 1 of Enrolled House Bill No. 1842 of the 1st
11 Session of the 59th Oklahoma Legislature, is amended to read as
12 follows:

13 Section 2-7-202. A. There is hereby created the Office of
14 Juvenile Affairs which shall be responsible for programs and
15 services for youthful offenders and juveniles alleged or adjudicated
16 to be delinquent or in need of supervision. The Executive Director
17 shall be responsible for established divisions and appointing
18 Division Directors within the Office of Juvenile Affairs.

19 B. Suitable office space shall be provided by the Office of
20 Management and Enterprise Services to the Office of Juvenile
21 Affairs, to the extent necessary for the Office to implement its
22 jurisdictional duties provided by the Oklahoma Juvenile Code, and
23 the Office may incur necessary expenses for office rent.

24

1 C. Effective July 1, 1995, the Office of Juvenile Affairs shall
2 be a Merit System agency and all employees of the Office of Juvenile
3 Affairs shall be classified employees who are subject to the
4 Oklahoma Personnel Act and the Merit System of Personnel
5 Administration, except as otherwise provided by law. Eligible
6 persons employed as teachers by the Office of Juvenile Affairs shall
7 be entitled to paid maternity leave as provided for in Section 1 of
8 this act. Effective June 1, 2020, employees hired for service at
9 the Southwest Oklahoma Juvenile Center in Manitou shall be
10 considered unclassified and employed in a term-limited appointment.
11 If state services continue at the facility after the designated
12 term, the employee may be transferred into a non-term-limited
13 position. Current employees and employees hired prior to June 1,
14 2020, shall not be subject to this provision.

15 D. Effective July 1, 1995, within its jurisdictional areas of
16 responsibility, the Office of Juvenile Affairs, acting through the
17 Executive Director, or persons authorized by law, rule or designated
18 by the Executive Director to perform such acts, shall have the power
19 and duty to:

20 1. Advise, consult, cooperate and enter into agreements with
21 agencies of the state, municipalities and counties, other states and
22 the federal government, and other persons;

23 2. Enter into agreements for, accept, administer and use,
24 disburse and administer grants of money, personnel and property from

1 the federal government or any department or agency thereof, or from
2 any state or state agency, or from any other source, to promote and
3 carry on in this state any program within its jurisdictional area of
4 responsibility;

5 3. Require the establishment and maintenance of records and
6 reports;

7 4. Establish a system of training for personnel in order to
8 assure uniform statewide application of law and rules;

9 5. Enforce the provisions of the Oklahoma Juvenile Code and
10 rules promulgated thereunder and orders issued pursuant thereto;

11 6. Charge and receive fees pursuant to fee schedules
12 promulgated by the Board of Juvenile Affairs;

13 7. Conduct studies, research and planning of programs and
14 functions, pursuant to the authority granted by the Oklahoma
15 Juvenile Code;

16 8. Enter into interagency agreements;

17 9. Provide administrative and support services to the Board of
18 Juvenile Affairs as necessary to assist the Board in the performance
19 of its duties;

20 10. Establish and maintain such facilities and institutions as
21 are necessary or convenient for the operation of programs for
22 children under the jurisdiction of the Office of Juvenile Affairs;

23 11. Lease, from time to time, any real property which the Board
24 of Juvenile Affairs shall determine advisable to more fully carry

1 into effect the operation of the Office of Juvenile Affairs in
2 accordance with applicable state statutes. All such leases for real
3 property shall be subject to the provisions of Section 63 of Title
4 74 of the Oklahoma Statutes;

5 12. Purchase or lease any equipment, supplies or materials
6 pursuant to the Oklahoma Central Purchasing Act;

7 13. Contract for professional services;

8 14. Acquire, construct, extend, and operate any and all
9 facilities of all kinds which in the judgment of the Executive
10 Director and the approval of the Legislature shall be necessary or
11 convenient to carry out the duties of the Office of Juvenile
12 Affairs, as authorized by law;

13 15. Establish an employee recruitment and referral incentive
14 program and promulgate internal agency policy for the operation of
15 the program, which may include, but shall not be limited to, program
16 purposes, pay incentives for employees, eligibility requirements,
17 payment conditions and amounts, payment methods, payment recoupment,
18 and record keeping; and

19 16. Exercise all incidental powers which are necessary and
20 proper to implement and administer the purposes of the Oklahoma
21 Juvenile Code.

22 E. The Office of Juvenile Affairs shall maintain a fair, simple
23 and expeditious system for resolution of grievances of all persons
24 committed to the Office of Juvenile Affairs regarding the substance

1 or application of any written or unwritten policy, rule of the Board
2 of Juvenile Affairs or of an agent or contractor of the Office of
3 Juvenile Affairs or any decision, behavior or action by an employee,
4 agent or contractor or by any other person committed to the Office
5 of Juvenile Affairs.

6 F. Effective November 1, 2012, the Office of Juvenile Affairs
7 shall establish a system of certification in accordance with the
8 Oklahoma Child Care Facilities Licensing Act for the shelters
9 managed and operated by the Department of Human Services pursuant to
10 the requirements of Section 1-9-111 of this title. The Office of
11 Juvenile Affairs shall certify shelters pursuant to the requirements
12 of existing rules as established by the Oklahoma Commission on
13 Children and Youth until such time the Office of Juvenile Affairs
14 has promulgated rules for the certification of shelters.

15 SECTION 6. AMENDATORY 57 O.S. 2021, Section 510.6a, is
16 amended to read as follows:

17 Section 510.6a. A. Persons certified to teach in ~~the State of~~
18 ~~Oklahoma~~ this state and meeting all minimum qualifications set by
19 the Office of Management and Enterprise Services, who are hired or
20 employed as ~~Correctional Teachers~~ correctional teachers or
21 ~~Vocational Instructors~~ vocational instructors by the Department of
22 Corrections educational program, shall receive in salary the minimum
23 amounts specified in ~~Section 18-114.12 of Title 70 of the Oklahoma~~
24 ~~Statutes~~ Section 1 of Enrolled Senate Bill No. 1119 of the 1st

1 Session of the 59th Oklahoma Legislature multiplied by a factor of
2 1.20. Correctional ~~Teachers~~ teachers serving as lead workers with
3 supervisory responsibilities shall receive the minimum amounts
4 specified above multiplied by a factor of 1.25. Correctional
5 ~~Teachers~~ teachers who have a special education certificate shall
6 receive salary of an additional five percent (5%). Correctional
7 ~~Teachers~~ teachers shall receive the benefits set forth in Sections
8 1370 and 1707 of Title 74 of the Oklahoma Statutes; provided,
9 however, ~~Correctional Teachers~~ correctional teachers shall not be
10 eligible for longevity payments pursuant to Section 840-2.18 of
11 Title 74 of the Oklahoma Statutes. Eligible persons employed as
12 correctional teachers or vocational instructors by the Department of
13 Corrections shall be entitled to paid maternity leave as provided
14 for in Section 1 of this act.

15 B. Persons employed by the Department of Corrections school
16 system as nonteaching administrators shall be in the unclassified
17 service and shall not be placed under the classified service;
18 however, any classified employee occupying an administrative
19 position prior to July 1, 2000, shall retain the right to remain in
20 the classified service. At such time as such position becomes
21 vacant, it shall be placed in the unclassified service.

22 C. Except as provided by this section of law, the employment of
23 persons by the Department of Corrections educational program as
24 teachers or administrators shall be entirely governed by the

1 provisions of Title 74 of the Oklahoma Statutes and any other laws
2 or rules regarding state employees and their employment; however, no
3 Department of Corrections ~~Correctional Teacher~~ correctional teacher
4 or ~~Vocational Instructor~~ vocational instructor, whose salary is
5 calculated in accordance with the provisions of this section, shall
6 be entitled to receive any pay increases for state employees
7 authorized elsewhere in statute, rule, or law. Correctional
8 ~~Teachers~~ teachers or ~~Vocational Instructors~~ vocational instructors
9 shall receive any legislated pay increases granted in addition to
10 the Title 70 minimum salary schedule; provided, such increases are
11 given to all common education/vocational technical teachers.

12 D. The salaries for all ~~Correctional Teachers~~ correctional
13 teachers and ~~Vocational Instructors~~ vocational instructors shall be
14 adjusted annually on July 1 unless legislation authorizes a pay
15 raise for educators with an implementation date other than July 1,
16 in which case the annual adjustment shall occur on the date of the
17 pay raise implementation.

18 E. The monthly salaries of ~~Correctional Teachers~~ correctional
19 teachers and ~~Vocational Instructors~~ vocational instructors employed
20 by the Department of Corrections on the effective date of this act
21 will be adjusted according to the procedures authorized in
22 subsection A of this section on the first day of the month following
23 the effective date of this act. Longevity payments will be
24 eliminated in the month following the effective date of this act for

1 ~~Correctional Teachers~~ correctional teachers and ~~Vocational~~
2 ~~Instructors~~ vocational instructors whose salaries are calculated
3 according to the provisions of this section. The salaries of the
4 employees governed by this section who are employed on the effective
5 date of this act will be recalculated. The recalculation will be
6 based on the provisions of subsection A of this section for actual
7 time employed as a Department of Corrections ~~Correctional Teacher~~
8 correctional teacher or ~~Vocational Instructor~~ vocational instructor
9 between July 1, 2004, and the last day of the month in which this
10 act becomes effective. Authorized employees will receive a one-time
11 payment equal to the difference between the recalculated salary
12 amount and the compensation received.

13 SECTION 7. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 6-104.9 of Title 70, unless
15 there is created a duplication in numbering, reads as follows:

16 A. There is hereby created in the State Treasury a revolving
17 fund for the State Board of Education to be designated the "Public
18 School Paid Maternity Leave Revolving Fund". The fund shall be a
19 continuing fund, not subject to fiscal year limitations, and shall
20 consist of all monies received by the State Board of Education from
21 state appropriations. All monies accruing to the credit of the fund
22 are hereby appropriated and may be budgeted and expended by the
23 State Board of Education for the purpose of reimbursing school
24 districts for expenses related to providing paid maternity leave as

1 provided for in subsection B of this section. Expenditures from the
2 fund shall be made upon warrants issued by the State Treasurer
3 against claims filed as prescribed by law with the Director of the
4 Office of Management and Enterprise Services for approval and
5 payment.

6 B. School districts in this state shall file claims with the
7 State Board of Education for reimbursement of expenses related to
8 providing eligible employees with paid maternity leave as provided
9 for in Section 1 of this act.

10 SECTION 8. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 6-104.10 of Title 70, unless
12 there is created a duplication in numbering, reads as follows:

13 A. There is hereby created in the State Treasury a revolving
14 fund for the Office of Management and Enterprise Services to be
15 designated the "Education Employee Paid Maternity Leave Revolving
16 Fund". The fund shall be a continuing fund, not subject to fiscal
17 year limitations, and shall consist of all monies received by the
18 Office of Management and Enterprise Services from state
19 appropriations. All monies accruing to the credit of the fund are
20 hereby appropriated and may be budgeted and expended by the Office
21 of Management and Enterprise Services for the purpose of reimbursing
22 agencies for expenses related to providing paid maternity leave as
23 provided for in subsection B of this section. Expenditures from the
24 fund shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of the
2 Office of Management and Enterprise Services for approval and
3 payment.

4 B. The Oklahoma Department of Career and Technology Education,
5 State Department of Rehabilitation Services, the Department of
6 Corrections, and the Office of Juvenile Affairs shall file claims
7 with the Director of the Office of Management and Enterprise
8 Services for reimbursement of expenses related to providing eligible
9 employees with paid maternity leave as provided for in Section 1 of
10 this act.

11 SECTION 9. This act shall become effective July 1, 2023.

12 SECTION 10. It being immediately necessary for the preservation
13 of the public peace, health, or safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16

17 COMMITTEE REPORT BY: COMMITTEE ON JOINT COMMITTEE ON APPROPRIATIONS
18 AND BUDGET, dated 05/16/2023 - DO PASS, As Amended.

19

20

21

22

23

24