An Act

ENROLLED SENATE
BILL NO. 16x

By: Thompson (Roger), Hall, and Boren of the Senate

and

Wallace, Martinez, Swope, and Archer of the House

An Act relating to paid leave for state employees; providing for certain state employees to receive paid maternity leave; requiring that certain employees continue to receive compensation during maternity leave; providing protections for certain employees during maternity leave; authorizing rule 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.

SUBJECT: Paid maternity leave for state employees

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

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

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

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

SECTION 2. AMENDATORY 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), is amended to read as follows:

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

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

1. Eligible employees who enter on duty or who are reinstated after a break in service shall receive leave benefits in accordance with the schedule outlined below. Leave shall be accrued based upon hours worked, paid leave, and holidays, but excluding overtime, not to exceed the total possible work hours for the pay period. Years of service shall be based on cumulative periods of employment calculated in the manner that cumulative service is determined for longevity purposes pursuant to Section 840-2.18 of this title. Employees may accumulate more than the maximum annual leave accumulation limits shown in the schedule below provided that such excess is used during the same calendar year in which it accrues or within twelve (12) months of the date on which it accrues, at the discretion of the appointing authority. If an employee whose job

duties include providing fire protection services, law enforcement services or services with the Department of Corrections is unable to use excess leave as provided for in this paragraph because the employee's request for leave is denied by the employee's appointing authority and the denial of leave is due to extraordinary circumstances such that taking leave could pose a threat to public safety, health or welfare, the employee shall receive compensation at the employee's regular rate of pay for the amount of excess leave the employee is unable to use. Such compensation shall be paid at the end of the time period during which the excess leave was required to have been used;

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

		ACCRUAL RATES		ACCUMULATION LIMITS
	Cumulative Years of Service	Annual Leave	Sick Leave	Annual Leave
Persons employed	0-5 yrs	= 15 day/yr	15 days/yr	30 days
	5-10 yrs	= 18 day/yr	15 days/yr	60 days
	10-20 yrs	= 20 day/yr	15 days/yr	60 days
	over 20 yrs	= 25 day/yr	15 days/yr	60 days

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Presiding Officer of the Senate

Passed the House of Representatives the 26th day of May, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 26th

day of May, 20 23, at 5:48 o'clock p. M.

By: Summer Curry

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 2nd

day of June, 20 23, at 10:02 o'clock A M.

By: Brian Bingman

OFFICE OF

THE GOVERNOR
STATE OF OKLAHOMA

No. SB 16x

OKLAHOMA CITY, OKLA., June 2, 2023

TIME SIGNED: _____

TO THE HONORABLE PRESIDENT PRO TEMPORE
AND MEMBERS OF THE OKLAHOMA SENATE
FIRST ***EXTRAORDINARY*** SESSION OF THE
FIFTY-NINTH OKLAHOMA LEGISLATURE

ENROLLED SENATE BILL NO. 16x:

Both because I support fiscal discipline and strongly oppose an increase in recurring expenditures, and because I am disheartened by other aspects of the budget package, I have not signed Senate Bill 16x.

Subject to objections to the unique process by which the Bill made its way to my desk, the Bill will become law without signature.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

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Delivered to SENATE: Sumer Curry
Date/Time: 6/2/23; 12:50pm

SENATE:
By Cindy Faulkner
Date/Time 6/2/23 12:54 pm

RECEIVED
JUN 02 2023
OKLAHOMA SECRETARY OF STATE