



OKLAHOMA Office of Management & Enterprise Services

****THE DATES IN BOLD BELOW WERE UPDATED FROM
MARCH 15, 2021 TO MARCH 15, 2020****

AAA HCM: 21-07
Date: June 8, 2021

The following bills that affect the state workforce have passed through the Legislature and been signed by the Governor. An overview for each bill is provided below. Please contact Jake Smith at jacob.smith@omes.ok.gov if you have any questions.

Senate Bill 63

- Amends 74 O.S. Section 840-2.27E, the State Government Reduction-in-Force and Severance Benefits Act.
- Removes the requirement that an affected employee who is reemployed by the agency who separated the employee as a result of a reduction-in-force within one (1) year or separation must repay all severance benefits on a proportional basis.
- Effective November 1, 2021.

Senate Bill 282 and Senate Bill 809

- Amends 74 O.S. Section 840-2.20.
- Addresses annual leave accrued and expired during emergency declaration.
- Annual leave accrued during the emergency declaration [**March 15, 2020**, through May 4, 2021] is not subject to the maximum accumulation limits for a period of time to allow usage.
- Annual leave that expired, or rolled off the books, during the emergency declaration [**March 15, 2020**, through May 4, 2021] due to exceeding the maximum accumulation limits shall be reinstated.
- Both annual leave that is reinstated in accordance with this bill and annual leave that accrued during the emergency declaration will not be subject to the maximum accumulation limits until June 30, 2022.
- Employees will have until June 30, 2022 to use the leave.
- Reinstatement applies only to state employees employed on May 7, 2021.
- Effective May 7, 2021.

Senate Bill 333 and Senate Bill 809

- Amends 74 O.S. Section 840-2.15.
- Addresses compensatory time accrued and expired during the emergency declaration.
- Only applies to non-exempt employees.
 - Pursuant to Oklahoma Merit Rule 260:25-7-12(e), agencies can extend the earning of compensatory time to exempt employees.
- Compensatory time accrued during the emergency declaration [**March 15, 2020**, through May 4, 2021] is not subject to the maximum accumulation limits.

- This part of the bill is inapplicable as FLSA regulations cap the compensatory time accumulation to 480 hours for non-exempt employees working in a public safety activity, an emergency response activity or a seasonal activity. All other non-exempt employees are capped at 240 hours.
- Compensatory time accrued during the emergency declaration [**March 15, 2020**, through May 4, 2021] can be used past the 180 days before being required to be paid out to the employee.
 - Can be used until June 30, 2022.
 - If not used before then, compensatory time will need to be paid out.
- Compensatory time that expired during the emergency declaration [**March 15, 2020**, through May 4, 2021] shall be reinstated.
 - This part of the bill is inapplicable as compensatory time that is not paid within 180 days must be paid to the non-exempt employee.
 - Reinstatement applies only to state employees employed on May 7, 2021.
- Effective May 7, 2021.

SB 650

- Amends 74 O.S. Section 1370.
- Changes the flexible benefit allowance a state employee receives.
- For Plan Year 2022, the amount of a participant's benefit allowance shall be increased by 2% from the amount provided in the previous year.
- For Plan Year 2023, the amount of the participants benefit allowance
 - Shall be increased by 2% from the amount provided the previous year **or**
 - The greater of the amount of benefit which the participant would have qualified for as of Plan Year 2023, or an amount equal to the monthly premium of the HealthChoice High Option plan, the average monthly premiums of the dental plans, the monthly premium of the disability plan and the monthly premium of the basic life insurance plan offered to state employees plus one of the additional amounts as follows for participants who elect to include one or more dependents:
 - For a spouse, 75% of the HealthChoice High Option plan, available for coverage of a spouse.
 - For one child, 75% of the HealthChoice High Option plan, for coverage of one child.
 - For two or more children, 75% of the HealthChoice High Option plan, for coverage of two or more children.
 - For a spouse and one child, 75% of the HealthChoice High Option plan, for coverage of a spouse and one child.
 - For a spouse and two or more children, 75% of the HealthChoice High Option plan, for coverage of a spouse and two or more children.

HB 1146

- Civil Service and Human Capital Modernization Act.
- Codified at 62 O.S. Section 34.301.
- Requires the Human Capital Management division within OMES to:
 - Administer all state employee positions beginning January 1, 2022.
 - Establish and maintain a State Employee Dispute Resolution Program.
 - Promulgate rules.
 - Contract with administrative law judges to hear complaints for termination, suspension without pay and involuntary demotion.
- Mediation is available for punitive transfers and written reprimands.
- Sunsets the Merit Protection Commission effective December 31, 2022.
- Effective January 1, 2022.

HB 1876

- Amends 51 O.S. Section 24A.7 of the Oklahoma Open Records Act.
- Exempts the following current and former public employee information from public inspection or disclosure of:
 - Home addresses.
 - Home telephone numbers.
 - Social Security numbers.
 - Private email addresses.
 - Private mobile phone numbers.
- Does not exempt public records created using a private email address or private mobile phone.
- Effective May 3, 2021.

HB 2180

- Amends 62 O.S. Section 34.70.
- Removes the requirement that private insurance organizations or service companies for legal services be regulated by the State Insurance Commissioner.
- Effective November 1, 2021.