



OKLAHOMA

Office of Management & Enterprise Services

AAA Memo: HCM 2023-03

Date: Sept. 27, 2023

To: All Appointing Authorities
From: Emily Roberson, HCM Administrator
Re: Guidance on HB 1027x and SB 16x

OMES Human Capital Management periodically issues these All Appointing Authorities (AAA) memos in order to provide guidance and advice on statewide human resources functions. HCM is tasked with this function through the Oklahoma Personnel Act and the guidance contained in the AAA memos is based on the information currently at hand and HCM's intended direction. The guidance is subject to change as new information is learned and processes are developed.

Please note that OMES has begun the permanent rulemaking process to draft permanent rules that reflect the guidance contained within these FAQs. OMES will provide a copy of the proposed rules and information on the public rules hearing once the notice of rulemaking intent has been filed with the Secretary of State. The guidance contained within these FAQs is subject to change as OMES carries out the rulemaking process.

Contact Natasha Riley at Natasha.Riley@omes.ok.gov if you have questions.

Please note the guidance contained in Question and Answer No. 1 of the ANNUAL LEAVE section differs from previously issued guidance.

FREQUENTLY ASKED QUESTIONS

ANNUAL LEAVE

1. How do the changes to annual leave accrual and accumulation limits apply to state employees with 0 to 5 years of service (0 to 5 employees)?
The accumulation limit for employees in this group has not changed; it remains at 240 hours.
2. How do the changes to annual leave and accumulation limits apply to state employees with 5 or more years of service (5+ employees)?
Annual leave accumulation for 5+ employees is now capped at 640 hours. Agencies who allow accumulations up to what can be accrued in one year on top of the limit may continue to follow that rolling year practice.

ANNUAL LEAVE ACCUMULATION LIMITS AND YEARLY ACCRUALS

Years of Cumulative Service	Yearly Accrual	Accumulation Limit		Accrual above limit per 74:840-2.20(1)	
		Number of Days	Hourly Equivalent	1 Additional Year of Accrual	Maximum Accrual Limit
Less than 5 years	15 days/year	30	240	120	360
5 to 10 years	18 days/year	80	640	144	784
10 to 20 years	20 days/year	80	640	160	800
Over 20 years	25 days/year	80	640	200	840

BENEFIT SERVICE DATE

- 1. How does previous time worked as a contract employee providing goods or services purchased with state fiscal resources affect my benefit service date?**

In order for the previous time worked to affect the benefit service date, you must have performed the services and received compensation for the services performed from state fiscal resources after July 1, 2023.

The benefit service date will be determined in the same manner for longevity benefits and annual leave accrual and accumulation limits in the same manner as all previously allowed creditable service. The key difference is that time worked as an independent contractor for the state now counts in the same manner that time worked as a judicial branch employee counts towards creditable service.

If you received compensation from an entity that contracted with the state, and the entity was compensated from state fiscal resources, rather than you the individual, that previous time worked would not affect your benefit service date.

- 2. If I previously worked as a contractor and was paid with state fiscal resources, when will I receive my first longevity payment?**

If you previously worked as a contractor and become a state employee, you will receive your first longevity payment based on your benefit service date after you have worked two years as a state employee.

- 3. How does my previous employment with the judicial branch affect my benefit service date?**

The amendments to 74 O.S. Section through HB 1027 do not functionally affect employees of the judicial branch. Prior to the amendments, the benefit service date for employees of the judicial branch already included time worked at the judicial branch. The benefit service date is then used to calculate the longevity payment and annual leave accrual rate when an employee of the judicial branch enters into employment with the executive branch. A state employee who has transferred from the judicial branch will receive his or her first longevity payment after the employee has worked two years as a state employee but will receive a longevity payment based on the benefit service date.

- 4. If I previously served as an appointed justice or judge, including a special judge, does that time affect my benefit service date?**

No, service as an appointed justice or appointed judge, including as a special judge, is specifically excluded counting towards creditable service and adjusting the benefit service date.

5. Does the benefit service date change affect my state retirement?

No, participating service credit is what affects a state employee's retirement. The change to the benefit service date does not affect the state employee's participating service credit.

MATERNITY LEAVE

1. Who is maternity leave available to?

Maternity leave is available to both male and female employees who meet the eligibility requirements.

2. How many hours per week do I have to work in order to be considered full-time to receive the paid maternity leave?

Forty (40) hours per week.

3. Do I have to have worked at my current agency for two years before requesting paid maternity leave?

Yes, in order to receive paid maternity leave funded by the agency, the employee must have worked at that agency for at least two (2) years immediately preceding the absence eligible for paid maternity leave.

If the employing agency was previously part of another agency, time worked for the organization will be calculated including the time the function was with another agency.

4. How does a break in service affect my eligibility to receive paid maternity leave?

A break in service renders the employee ineligible to receive paid maternity leave.

5. Can I take paid maternity leave for medical care related to my pregnancy?

No, the paid maternity leave is only available following the birth or adoption of the employee's child.

6. Can I take paid maternity leave if a foster child is placed with me?

No, the paid maternity leave is only available to employees following the birth or adoption of a child.

7. Can I take the paid maternity leave intermittently?

Yes, if the employing agency permits FMLA leave to care for or bond with a newborn child or for a newly adopted child to be taken intermittently and has approved such intermittent usage.

8. Does Family Medical Leave Act (FMLA) leave run concurrently with the paid maternity leave?

Yes.