

Employment Legislative Report

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Employment

FMLA Military Leave. **SB 524** by Sen. Aldridge requires any employer to allow an employee eligible for FMLA benefits and who is a spouse, son, daughter or parent of any active duty member of the U.S. military who is deployed to take one week of paid, if available, or unpaid leave, or a combination, when the deployed member is granted short-term temporary rest and recuperation leave during deployment.

Municipal Employee Felony. **HB 2175** by Rep. Nelson amends 51 O.S. Section 24.1 to include municipal officers or employees. As a result, if a municipal officer or employee commits a felony during their term they forfeit their office or employment. In addition, all retirement benefits are forfeited, even after the term or office or employment, where the felony is for bribery, corruption, forgery, perjury or any other crime related to the duties of office or employment, or related to campaign contributions or campaign financing. A broader version of this bill, **HB 1385** by Rep. Osborn, failed the house of origin deadline.

City Manager Residency. **HB 1044** by Rep. Sears removes language from current statutes that a city manager must reside within the municipal corporate limits while holding office.

Employee Firearms. **HB 1025** by Rep. Duncan prohibits public employers and public officials from asking any applicant for employment information about whether he/she owns or possess a firearm. Violators of this bill “shall be deemed to be acting outside the scope of their employment and shall therefore be barred from seeking statutory immunity from any exemption of provision of the Governmental Tort Claims Act.” See also **SB 793** by Sen. Sykes.

Employment Notices Returned Paychecks. **SB 527** by Sen. Ballenger amends the size of statutorily-required employee notices from “not less than 11 inches by 17 inches” to “not less than 8 1/2 inches by 11 inches.” Additionally, if an employee’s paycheck is dishonored by the bank on which it is drawn, due to insufficient funds or a stop payment notice, the employer shall reimburse the employee for any fees or costs incurred by the employee within 14 days of the employer’s notice of the banks refusal to honor the check.

Unemployed Worker Training Act. **SB 1172** by Sen. Leftwich creates the Recently Unemployed Worker Training Fund to be used for training that will update the skills of recently unemployed workers.

Part-Time City Planner. **HB 1420** by Rep. Cannaday amends 11 O.S. Section 10-112 to authorize part-time city planners for municipalities. The duties of the city planner shall be determined by the municipal governing body.

Workers Compensation. **SB 1231** by Sen. Jolley creates until December 31, 2009, a Task Force on the Mutualization or Privatization of CompSource Oklahoma. See also **HB 1963** by Rep. Bengé.

Pension

Pension System Analysis. **SB 959** by Sen. Coffee creates the Task Force on Investment Practices of the Oklahoma Statewide Pension Systems to conduct a comprehensive review of pension systems including the firefighter and police pension systems.

Pension Actuarial Analysis Act. **SB 904** by Sen. Brown amends the Pension Actuarial Analysis Act by adding a definition of “concurrent funding.” Concurrent funding means an “increase in employer contributions and/or employee contributions, or apportioned tax revenues of a continuing nature, in amounts to pay the increase in annual normal cost for the retirement system affected by the bill. If a retirement bill has a fiscal impact that is a one-time or fixed dollar amount, concurrent funding also means a legislative appropriation sufficient to pay the cost to the retirement system affected by the bill. It also rewrites current language which requires the state to provide employer contributions.

Actuarial Analysis Act. **SB 1016** by Sen. Paddock amends the state Pension Actuarial Analysis Act definition of “nonfiscal retirement bill”.

Local Pension Boards. **SB 726** by Sen. Barrington amends 11 O.S. Section 49-103 by requiring that local firefighter pension boards of participating employers of the Oklahoma Firefighters Pension System shall be terminated on December 31, 2009, unless a majority of the active firefighters of an affected fire department elect to continue their local pension board. Current law contains the date of December 31, 2000. The bill also requires the municipal clerk to report annually with the

State Board the name of the fire department and name, birth date, date of appointment and date of expiration of term of service of firefighters. Current law only requires this reporting duty if the department has firefighting apparatus valued at \$1,000 or more. Finally, the bill removes this reporting requirement from fire protection districts.

Police Pension. SB 830 by Sen. Brown makes various changes to the Police Pension System including the definition of base salary and military service.

Firefighter Pension Benefits. SB 1071 by Sen. Barrington amends various provisions of the firefighter pension systems including the definition of gross salary, annuity benefit and benefits if a member dies while performing qualified military service.

Public Safety

Mandated Firefighting Standards. SB 449 by Sen. Corn mandates that the State “shall recognize and enforce through the Commissioner of the Oklahoma State Department of Labor the provisions” of NFPA 1403, Standard on Live Fire Training Evolutions and NFPA 1584, Standard on the Rehabilitation Process for Members During Emergency Operations and Training Exercises.

NFPA 1403 creates minimum requirements for training all fire suppression personnel under live fire conditions including specific direction to create a policy on when to cease training during extreme heat conditions. NFPA 1584 requires every fire department to have a policy on providing rehab at incidents and training exercises including assessment requirements to determine the need for rehab after certain periods of SCBA and non-SCBA use. There are nine key components of rehab required by NFPA 1584 including: relief from climactic conditions, time to rest and recover/cool or re-warm, re-hydration, calorie and electrolyte replacement, medical monitoring, EMS treatment, member accountability, release by EMS. A related bill, **HB 2156** by Rep. Jones, failed the house of origin deadline.

Firefighter Background Check. HB 2087 by Rep. Joyner allows a municipal fire department to conduct a national criminal history records check prior to appointing a paid member of the department. See also **SB 249** by Sen. Justice.

Fire Protection Agreements. SB 357 by Sen. Crutchfield amends 19 O.S. Section 351.1 to all county commissioners to enter into agreements with municipalities for fire protection “and emergency services, including, but not limited to, medical attention and wreck removal.”

CLEET Contract. HB 1084 by Rep. Thomsen requires any peace officer attending a basic law enforcement academy conducted by CLEET to execute an agreement with CLEET to promise to remain within the law enforcement profession in the State for 4 years following graduation. There is an exception for military service.

FLSA. HB 1608 by Rep. Sullivan amends 61 O.S. Section 3 which provides that public employees working over 40 hours per week, who are not exempt or covered by special provision under the overtime provision of the FLSA, shall be compensated in accordance with FLSA. Under this bill, these provisions would apply to public employees (which is current law) plus “public safety professionals” which are defined as “sheriffs, deputy sheriffs, correctional officers, and persons in the emergency medical service profession.”

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