

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 277

By: Dossett

AS INTRODUCED

An Act relating to paid leave; creating the Oklahoma State Paid Family and Medical Leave Insurance Act; providing short title; defining terms; providing for eligibility for benefits; specifying qualifications; providing for duration of benefits; stating maximum weeks under certain conditions; providing for amount of benefits to be calculated; authorizing the Department of Labor to determine amount; stating manner of contributions; authorizing the Department to establish assessment for contributions; providing for intermittent or reduced leave schedule; requiring covered individuals to be protected during use of benefits; providing for penalties; requiring covered individuals to be protected from retaliatory actions for use of benefits; allowing employers to coordinate benefits under this act; prohibiting employers from not maintaining current obligations to employees under this act; requiring employers to provide notice to employees; specifying contents of notice; allowing for appeals; requiring Department to make certain determinations during certain time frame; allowing for disqualification of benefits under certain conditions; providing self-employed persons the option to participate in program; specifying manner of option for self-employed persons; establishing family and medical leave insurance program; requiring Department to establish and administer program; authorizing Department to require and maintain certain information under certain circumstances; requiring the Department to establish reasonable procedures and forms for filing claims; specifying necessary contents for filing; allowing health care providers to submit certain information; providing for income tax considerations on benefits; requiring the Department to submit report to Legislature;

1 specifying contents of report; requiring Department
2 to provide educational material regarding benefits;
3 providing for enforcement of this act; establishing
4 procedure to process claims; allowing for certain
5 action to be taken against violators of this act
6 within certain time frame; authorizing interagency
7 coordination; providing for codification; and
8 providing an effective date.

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 950 of Title 40, unless there is
12 created a duplication in numbering, reads as follows:

13 This act shall be known and may be cited as the "Oklahoma State
14 Paid Family and Medical Leave Insurance Act".

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 950.1 of Title 40, unless there
17 is created a duplication in numbering, reads as follows:

18 As used in this act:

19 1. "Alternative base period" means the most recent four (4)
20 completed calendar quarters immediately preceding the first day of
21 the individual's application year and any weeks in which wages were
22 paid to the individual in the incomplete calendar quarter in which
23 the individual filed a claim for benefits;

24 2. "Application year" means the twelve-month period beginning
25 on the first day of the calendar week in which a covered individual

1 files an application for family and medical leave insurance
2 benefits;

3 3. "Average weekly wage" means one-thirteenth (1/13) of the
4 wages paid during the quarter of the covered individual's base
5 period or alternative base period in which the total wages were
6 highest;

7 4. "Base period" means the first four (4) of the last five (5)
8 completed calendar quarters immediately preceding the first day of
9 an individual's application year; provided, that if the first
10 quarter of the last five (5) completed calendar quarters was
11 included in the base period applicable to any individual's previous
12 application year, the individual's base period shall be the last
13 four (4) completed calendar quarters;

14 5. "Child" means, regardless of age, a biological, adopted or
15 foster child, stepchild or legal ward, a child of a domestic
16 partner, a child to whom the covered individual stands in loco
17 parentis, or a person to whom the covered individual stood in loco
18 parentis when the person was a minor;

19 6. "Commissioner" means the Commissioner of Labor;

20 7. "Committed relationship" means a relationship in which the
21 covered individual and the domestic partner of the covered
22 individual share responsibility for a significant measure of each
23 other's common welfare. This includes, but is not limited to, any
24 relationship between individuals of the same or different sex that

1 is granted legal recognition by the state, political subdivision, or
2 by the District of Columbia as a marriage or analogous relationship
3 including, but not limited to, a civil union;

4 8. "Covered individual" means any person who:

5 a. meets one of the following requirements:

6 (1) earned an amount determined each year by the
7 Department of Labor from work in the state during
8 the person's base period or alternative base
9 period prior to submitting an application, or

10 (2) is self-employed, elects coverage, and meets the
11 requirements of Section 14 of this act,

12 b. meets the administrative requirements provided in this
13 act, and

14 c. submits an application.

15 Covered individual shall include former employees who have been
16 separated from employment for no more than twenty-six (26) weeks at
17 the start of the individual's paid family and medical leave and who
18 satisfy the requirements of this paragraph;

19 9. "Department" means the Department of Labor;

20 10. "Domestic partner" means an adult in a committed
21 relationship with another adult;

22 11. "Employee" means any person permitted to work by an
23 employer;

1 12. "Employer" means every individual, partnership, firm,
2 association, corporation, the legal representation of a deceased
3 individual, or receiver, trustee, or successor of an individual,
4 firm, partnership, association, or corporation, employing any person
5 in this state;

6 13. "Family and medical leave insurance benefits" means the
7 benefits provided in this act;

8 14. "Family member" means:

9 a. a child,

10 b. a biological, adoptive, or foster parent, stepparent,
11 or legal guardian of a covered individual or a covered
12 individual's spouse or domestic partner, or a person
13 who stood in loco parentis when the covered individual
14 or the covered individual's spouse or domestic partner
15 was a minor child,

16 c. a person to whom the covered individual is legally
17 married under the laws of any state or a domestic
18 partner of a covered individual,

19 d. a grandparent, grandchild, or sibling, whether a
20 biological, foster, adoptive, or step relationship, of
21 any covered individual or the covered individual's
22 spouse or domestic partner, or
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1 e. any other individual related by blood or whose close
2 association with the covered individual is the
3 equivalent of a family relationship;

4 15. "Health care provider" means any person or other entity who
5 is licensed pursuant to the provisions of Title 59 or Title 63 of
6 the Oklahoma Statutes, or pursuant to the laws of another state, to
7 render health care services in the practice of a profession or in
8 the ordinary course of business;

9 16. "Interference" means any action that may have the effect of
10 preventing or discouraging an employee from exercising any right
11 guaranteed under this act including, but not limited to:

12 a. failing to comply with the requirements of Section 9
13 of this act,

14 b. failing to provide an employee with complete and
15 accurate information related to an application for
16 family and medical leave insurance benefits as may be
17 required from an employer pursuant to Section 15 of
18 this act,

19 c. failing to accurately and timely complete and return
20 an application for family and medical leave insurance
21 benefits as may be required from an employer pursuant
22 to Section 15 of this act, and

23 d. providing the Department with inaccurate or incomplete
24 information about an employee's wages or employment as
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1 it relates to the employee's eligibility for family
2 and medical leave insurance benefits;

3 17. "Paid family and medical leave" means leave taken from
4 employment, self-employment, or availability for employment in
5 connection with family and medical leave insurance benefits pursuant
6 to this act;

7 18. "Qualifying exigency leave" means leave based on a need
8 arising out of a covered individual's family member's active duty
9 service or notice of an impending call or order to active duty in
10 the Armed Forces including, but not limited to:

- 11 a. providing for the care or other needs of the military
- 12 member's child or other family member,
- 13 b. making financial or legal arrangements for the
- 14 military member,
- 15 c. attending counseling, military events, or ceremonies,
- 16 d. spending time with the military member during a rest
- 17 and recuperation leave or following return from
- 18 deployment,
- 19 e. making arrangements following the death of a military
- 20 member,
- 21 f. arranging for alternative care for a family member of
- 22 the military member when the family member is
- 23 incapable of self-care and the active duty or call to
- 24 active duty status of the military member necessitates

1 a change in the existing care arrangement of the
2 family member,

- 3 g. providing care for a family member of the military
4 member of an urgent, immediate need basis, but not on
5 a routine, regular, or everyday basis, when the family
6 member is incapable of self-care and the need to
7 provide such care arises from the active duty or call
8 to active duty status of the military member,
- 9 h. admitting to or transferring to a care facility a
10 family member of the military member when admittance
11 or transfer is necessitated by the active duty or call
12 to active duty status of the military member, or
- 13 i. attending meetings with staff at a care facility, such
14 as meetings with hospice or social service providers
15 for a family member of the military member, when such
16 meetings are necessary due to circumstances arising
17 from the active duty or call to active duty status of
18 the military member but not for routine or regular
19 meetings;

20 19. "Retaliatory personnel action" means denial of or
21 interference with any right guaranteed under this act including, but
22 not limited to, any threat, discharge, suspension, demotion,
23 reduction of hours or pay, other adverse action against an employee,
24 or reporting or threatening to report an employee's suspected
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1 citizenship or immigration status or the suspected citizenship or
2 immigration status of a family member of the employee to a federal,
3 state, or local law enforcement agency. Retaliatory personnel
4 action shall also include interference with or punishment for
5 participating in or assisting an investigation, complaint,
6 proceeding, or hearing under this act;

7 20. "Safe leave" means any leave taken because the covered
8 individual or the covered individual's family member is the victim
9 of an act defined in Section 60.1 of Title 22 of the Oklahoma
10 Statutes. Safe leave under this act applies if the covered
11 individual is using leave to protect the covered individual or the
12 covered individual's family member by:

- 13 a. seeking a protective order pursuant to Section 60.2 of
14 Title 22 of the Oklahoma Statutes,
- 15 b. seeking medical care, mental health counseling, or
16 both for the covered individual or the covered
17 individual's family member to address physical or
18 psychological injuries resulting from any act defined
19 in Section 60.1 of Title 22 of the Oklahoma Statutes,
- 20 c. making the covered individual's or the covered
21 individual's family members home secure from the
22 perpetrator of any act defined in Section 60.1 of
23 Title 22 of the Oklahoma Statutes,

- d. seeking legal assistance to address issues arising from any act defined in Section 60.1 of Title 22 of the Oklahoma Statutes or attending and preparing for court-related proceedings arising from such act or crime,
- e. seeking services from a victim services organization, or
- f. taking other steps necessary to protect or restore the covered individual's or the covered individual's family member's physical, mental, emotional, and economic well-being while recovering from an act defined in Section 60.1 of Title 22 of the Oklahoma Statutes; and

21. "Serious health condition" means the same as defined in Section 101(11) of the Family and Medical Leave Act of 1993.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 950.2 of Title 40, unless there is created a duplication in numbering, reads as follows:

On the effective date of this act, a covered individual shall have the right to take paid family and medical leave and to receive family and medical leave insurance benefits pursuant to this act if the individual:

- 1. Meets the definition of a covered individual as defined in paragraph 8 of Section 2 of this act; or

1 2. Meets one of the following requirements:

- 2 a. is caring for a new child because of birth, adoption,
3 or placement through foster care within twelve (12)
4 months of the anticipated birth, adoption, or
5 placement of that child, or has a need to be absent
6 from work before an actual placement of the child in
7 order for the placement for adoption or foster care to
8 proceed,
9 b. is caring for a family member with a serious health
10 condition,
11 c. has a need for leave due to a serious health condition
12 including, but not limited to, pregnancy or pregnancy
13 loss,
14 d. because of any qualifying exigency leave as defined in
15 paragraph 18 of Section 2 of this act,
16 e. has a need for safe leave as defined in paragraph 20
17 of Section 2 of this act, or
18 f. any reason as set forth in the Family and Medical
19 Leave Act of 1993.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 950.3 of Title 40, unless there
22 is created a duplication in numbering, reads as follows:

23 A. 1. The number of weeks for which a covered individual may
24 take paid family and medical leave under subparagraph c of paragraph
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1 2 of Section 3 of this act and for which family and medical leave
2 insurance benefits are payable under subparagraph c of paragraph 2
3 of Section 3 of this act in an application year shall be no less
4 than twelve (12) weeks.

5 2. The number of weeks for which a covered individual may take
6 paid family and medical leave under subparagraphs a, b, d, e, or f
7 of paragraph 2 of Section 3 of this act and for which family and
8 medical leave insurance benefits are payable under subparagraphs a,
9 b, d, e, or f of paragraph 2 of Section 3 of this act in an
10 application year shall not exceed twelve (12) weeks.

11 3. The number of weeks for which a covered individual may take
12 paid family and medical leave under paragraphs 1 and 2 of this
13 subsection in aggregate shall not exceed sixteen (16) weeks in an
14 application year.

15 B. The first payment of benefits shall be made to an individual
16 within thirty (30) days after the claim is filed, or within thirty
17 (30) days after the first day of the approved claim, whichever is
18 later, and subsequent payments shall be made every two (2) weeks
19 thereafter. Family and medical leave insurance benefits are payable
20 as of the commencement of a covered individual's paid family and
21 medical leave.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 950.4 of Title 40, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The amount of family and medical leave insurance benefits
2 shall be determined by the Department of Labor.

3 B. Family and medical leave insurance benefits are not payable
4 until the covered individual accumulates at least four (4) hours of
5 family and medical leave.

6 C. The benefit amount of a covered individual taking paid
7 family and medical leave from employment shall be based on the
8 proportion of the covered individual's typical workweek spent at the
9 job or jobs from which the covered individual is taking paid family
10 and medical leave, up to the maximum total benefit established by
11 the Department. A covered individual with multiple jobs may elect
12 whether to take leave from one job or multiple jobs.

13 D. 1. Family and medical leave insurance benefits pursuant to
14 paragraph 2 of Section 3 of this act, except for subparagraph c of
15 paragraph 2 of Section 3 of this act, shall be reduced by the amount
16 of benefits that a covered individual received under the Employment
17 Security Act of 1980.

18 2. During any period of leave pursuant to subparagraph c of
19 paragraph 2 of Section 3 of this act, family and medical leave
20 insurance benefits shall be reduced by the amount of benefits that a
21 covered individual receives under Title 85A of the Oklahoma
22 Statutes.

23 E. The Commissioner of Labor shall promulgate the rules
24 necessary to administer the provisions of this section.

1 SECTION 6. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 950.5 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Payroll contributions shall be authorized for the exclusive
5 purpose of financing the payment of benefits under this act and
6 implementing and administering the provisions of this act.

7 B. Beginning on the effective date of this act, for each
8 employee, an employer shall remit to the Family and Medical Leave
9 Insurance Fund as created in Section 18 of this act in the form and
10 manner determined by the Department of Labor.

11 C. Annually, beginning in the fiscal year after the effective
12 date of this act, and each fiscal year thereafter, the Department
13 shall set the contribution rate for the subsequent fiscal year based
14 on a percent of employee wages and at the rate necessary to obtain a
15 total amount of contributions equal to one hundred thirty-five
16 percent (135%) of the benefits paid during the previous fiscal year
17 plus an amount equal to one hundred percent (100%) of the cost of
18 administration of the payment of those benefits during the previous
19 fiscal year, less the amount of net assets remaining in the fund as
20 of June 30 of the current fiscal year.

21 D. A self-employed person who elects coverage under this act
22 shall remit contribution amount pursuant to this section directly to
23 the Department.

1 E. An employer may deduct a percentage of the contribution
2 required for an employee by this section, as determined by the
3 Department, from the employee's wages and shall remit one hundred
4 percent (100%) of the contribution required by this section from the
5 employer and those employees to the Family and Medical Leave
6 Insurance Fund as created in Section 18 of this act.

7 F. An employer who fails to or refuses to make contributions as
8 required in this section shall be assessed a penalty as determined
9 by the Department for each year the employer so failed to comply in
10 addition to any amounts previously owed, or fraction thereof, in
11 addition to the total amount of benefits paid to covered individuals
12 for whom the employer failed to make contributions. The rate of
13 assessment imposed by this subsection shall be adjusted each fiscal
14 year and annually thereafter. Assessments collected pursuant to
15 this subsection shall be deposited in the Family and Medical Leave
16 Insurance Fund as created in Section 18 of this act.

17 G. An employer's failure to or refusal to remit contributions
18 to the Family and Medical Leave Insurance Fund as created in Section
19 18 of this act as required in this section shall not affect an
20 individual's eligibility for paid family and medical leave and
21 family and medical leave insurance benefits pursuant to this act.

22 SECTION 7. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 950.6 of Title 40, unless there
24 is created a duplication in numbering, reads as follows:

1 A. A covered individual shall be entitled to take paid family
2 and medical leave on an intermittent or reduced leave schedule in
3 which all of the leave authorized under this act is not taken
4 sequentially. Family and medical leave insurance benefits for an
5 intermittent or reduced leave schedule shall be prorated.

6 B. The covered individual shall make a reasonable effort to
7 schedule foreseeable paid family and medical leave under this
8 section so as not to unduly disrupt the operations of the employer.
9 The covered individual shall provide the employer with prior notice
10 of the schedule on which the covered individual will be taking the
11 leave, to the extent practicable. Paid family and medical leave
12 taken under this section shall not result in a reduction of the
13 total amount of leave to which a covered individual is entitled
14 beyond the amount of leave actually taken.

15 C. Nothing in this section shall be construed to entitle a
16 covered individual to more leave than required pursuant to Section 4
17 of this act.

18 SECTION 8. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 950.7 of Title 40, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Any covered individual who exercise his or her right under
22 this act to paid family and medical leave shall, upon the expiration
23 of that leave, be entitled to be restored by his or her employer to
24 the position held by the covered individual when the leave
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1 commenced, or to be restored to an equivalent position with
2 equivalent seniority, status, employment benefits, pay, and other
3 terms and conditions of employment including fringe benefits and
4 service credits that the covered individual was entitled to at the
5 commencement of leave. A covered individual who exercised his or
6 her right under this act to paid family and medical leave but does
7 not receive family and medical leave insurance benefits is still
8 entitled to the job restoration protection of this section.

9 B. During any leave pursuant to Section 3 of this act, the
10 employer shall maintain any health care benefits that the covered
11 individual had prior to taking such leave for the duration of the
12 leave as if the covered individual had continued working
13 continuously from the date the individual commenced the leave until
14 the date the individual returns from paid family and medical leave;
15 provided, that the covered individual shall continue to pay the
16 covered individual's share of the cost of health benefits and that
17 the employer shall continue to pay the employer's share of the cost
18 of health benefits as required prior to the commencement of leave.

19 C. This section shall be enforced as provided in Section 21 of
20 this act.

21 SECTION 9. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 950.8 of Title 40, unless there
23 is created a duplication in numbering, reads as follows:
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1 A. It shall be unlawful for an employer or any other person to
2 commit interference or restrain or deny the exercise of, or the
3 attempt to exercise, any right protected under this act.

4 B. An employer, temporary employment company, employment
5 agency, employee organization, or other person shall not take
6 retaliatory personnel action or otherwise discriminate against a
7 person because that person exercised rights protected under this
8 act. Such rights include, but are not limited to:

9 1. The right to request, file for, apply for or use benefits,
10 or take leave provided for under this act;

11 2. The right to communicate to the employer or any other person
12 or entity an intent to file a claim, a complaint with the Department
13 of Labor or courts, an appeal, that the person has testified or is
14 about to testify, or has assisted in any investigation, hearing, or
15 proceeding under this act, at any time, including during the period
16 in which the person receives family and medical leave insurance
17 benefits; and

18 3. The right to inform any person of the person's rights under
19 this act.

20 C. It shall be unlawful for an employer's absence control
21 policy to count paid family or medical leave taken under this act as
22 an absence that may lead to or result in discipline, discharge,
23 demotion, suspension, or any other adverse action.

1 D. Protections of this section shall apply to any person who
2 mistakenly, but in good faith, alleges a violation of this act.

3 E. This section shall be enforced through the provisions set
4 forth in Section 21 of this act.

5 SECTION 10. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 950.9 of Title 40, unless there
7 is created a duplication in numbering, reads as follows:

8 A. 1. Leave taken with family and medical leave insurance
9 benefits under this act that also qualifies as leave under the
10 Family and Medical Leave Act of 1993 shall run concurrently with
11 leave taken under the Family and Medical Leave Act of 1993, as
12 applicable.

13 2. An employer may require that family and medical leave
14 insurance benefits payments made pursuant to this act be made
15 concurrently or otherwise coordinated with payment made or leave
16 allowed under the terms of a short-term disability policy, or a
17 separate bank of time off designated solely for the purpose of
18 family and medical leave in accordance with this act, under a
19 collective bargaining agreement or employer policy. The employer
20 shall give employees written notice of this requirement.

21 3. Notwithstanding this subsection, an employee shall not be
22 required to use or exhaust any accrued vacation leave, sick leave,
23 or other paid time off prior to or while receiving family and
24 medical leave insurance benefits under this act. A covered
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1 individual may choose to use any accrued vacation leave, sick leave,
2 or other paid time off while receiving family or medical leave
3 insurance benefits under this act, unless the aggregate amount a
4 covered individual would receive would exceed the covered
5 individual's average weekly earnings. Nothing in this subsection
6 requires an employee to receive or use additional paid time off as
7 described in this section.

8 B. 1. This act shall not diminish an employer's obligation to
9 comply with any of the following that provide leave or benefits
10 exceeding the provisions of this act:

- 11 a. a collective bargaining agreement,
- 12 b. an employer policy,
- 13 c. an employment contract, or
- 14 d. any applicable local, state, or federal law.

15 2. An individual's rights, privileges, or remedies to leave and
16 benefits under this act may not be diminished by a collective
17 bargaining agreement entered into, retained, amended, or renewed, or
18 an employer policy adopted, amended, or retained, after the
19 effective date of this act.

20 3. This act shall not diminish an individual's rights,
21 privileges, or remedies under a collective bargaining agreement,
22 employer policy, or employment contract, as applicable.

23 4. Any agreement by an individual to waive the individual's
24 rights under this act is void.

SECTION 11. NEW LAW

A new section of law to be codified in the Oklahoma Statutes as Section 950.10 of Title 40, unless there is created a duplication in numbering, reads as follows:

A. Each employer shall provide written notice pursuant to this section to each employee upon hiring and annually thereafter. An employer shall also provide written notice to an employee when the employee requests leave under this act or when the employer acquires knowledge that an employee's leave may be for a qualifying reason under paragraph 2 of Section 3 of this act. Such notice shall include:

1. The employee's right to family and medical leave insurance benefits under this act and the terms under which they may be used;

2. The amount of family and medical leave insurance benefits available;

3. The procedure for filing a claim for benefits;

4. The right to job restoration and benefits continuation under Section 8 of this act;

5. That discrimination and retaliatory personnel actions against a person for requesting, applying for, or using family and medical leave insurance benefits are prohibited under Section 9 of this act; and

6. That the employee has a right to file a complaint for violations of this act.

1 B. Each employer shall also display and maintain a poster in a
2 conspicuous place accessible to employees at the employer's place of
3 business that contains the information required by this section in a
4 form approved by the Department of Labor; provided, that in cases
5 where the employer does not maintain a physical workplace, or an
6 employee teleworks or performs work through a web-based or app-based
7 platform, notification shall be sent via electronic communication or
8 a conspicuous posting on the web-based and app-based platform.

9 C. All notices required by subsections A and B of this section
10 shall be provided in English, the language typically used in
11 communications between the employer and an individual employee, and
12 any other language that an employer may deem to be a primary
13 language for a majority of employees at a workplace, provided that
14 such notice has been provided by the Department. The Commissioner
15 of Labor may promulgate rules to establish additional requirements
16 concerning the means by which employers provide such notice.

17 D. Any employer that violates subsection A, B, or C of this
18 section shall be assessed a fine not less than One Hundred Dollars
19 (\$100.00) and no more than Five Hundred Dollars (\$500.00) per day
20 per employee for each violation. Assessments collected pursuant to
21 this subsection shall be deposited in the Family and Medical Leave
22 Insurance Fund as created in Section 18 of this act.

23 E. Employees shall provide notice of their intention to take
24 leave to their employers under this act; provided, that when the
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1 need for leave is foreseeable, employees shall not be required to
2 provide more than ten (10) business days' notice to their employers.

3 SECTION 12. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 950.11 of Title 40, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The Commissioner of Labor shall establish a system for an
7 aggrieved individual to appeal any determination of his or her claim
8 for family and medical leave insurance benefits within ninety (90)
9 days of receiving notice of the determination. In establishing such
10 system, the Commissioner may utilize any and all procedures and
11 appeals mechanisms established in Title 40 of the Oklahoma Statutes;
12 provided, that employers shall not be a party to any appeal pursuant
13 to this subsection.

14 B. Upon receipt of the Department of Labor's determination on
15 appeal, an aggrieved individual may seek judicial review in court.

16 C. The Commissioner shall implement procedures to ensure
17 confidentiality of all information related to any claims filed or
18 appeals taken to the maximum extent permitted by applicable laws.

19 SECTION 13. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 950.12 of Title 40, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A covered individual may be disqualified from family and
23 medical leave insurance benefits for up to one (1) year if the
24 individual is determined by the Commissioner of Labor to have
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1 willfully and knowingly made a false statement or misrepresentation
2 regarding a material fact, or willfully and knowingly failed to
3 report a material fact, to obtain benefits under this act. A
4 covered individual may appeal such determination by the
5 Commissioner.

6 B. If family and medical leave insurance benefits are paid
7 erroneously as a result of willful misrepresentation, or if a claim
8 for family and medical leave insurance benefits is rejected after
9 benefits are paid, the Department of Labor may seek repayment of
10 benefits from the recipient. The Commissioner shall exercise
11 discretion to waive, in whole or in part, the amount of any such
12 payments.

13 SECTION 14. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 950.13 of Title 40, unless there
15 is created a duplication in numbering, reads as follows:

16 A. A self-employed person, including an independent contractor,
17 sole proprietor, partner, or joint venturer, may elect coverage
18 under this act for an initial period of not less than three (3)
19 years; provided, that a self-employed person who elects coverage
20 shall be eligible for family and medical leave insurance benefits
21 immediately when that person meets the requirements of paragraph 8
22 of Section 2 of this act, including wages earned from work in
23 employment and self-employment. The self-employed person shall file
24 a notice of election in writing with the Commissioner of Labor, as

1 required by the Department of Labor. The election becomes effective
2 on the date of filing the notice. As a condition of election, the
3 self-employed person shall agree to supply any information
4 concerning income that the Department deems necessary.

5 B. A self-employed person who has elected coverage may withdraw
6 from coverage within thirty (30) days after the end of the three-
7 year period of coverage, or at such other times as the Commissioner
8 may prescribe by rule, by filing written notice with the
9 Commissioner, with such withdrawal to take effect no earlier than
10 thirty (30) days after filing the notice.

11 C. A person who has elected coverage under this section shall
12 be excused from his or her obligations under this section, as the
13 Department shall promulgate by rule, if:

- 14 1. The person is no longer a self-employed person; or
- 15 2. The person no longer works in this state.

16 SECTION 15. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 950.14 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Department of Labor shall establish and administer
20 family and medical leave insurance, collect contributions, and pay
21 family and medical leave insurance benefits as specified in this
22 act. The provisions of this act shall be administered and
23 implemented by the Department. The Department shall be the entity
24 that collects contributions, processes and determines claims for

1 family and medical leave insurance benefits, and administers appeals
2 to the Department pursuant to Section 12 of this act.

3 B. The Department shall notify the employer within five (5)
4 business days of a claim being filed pursuant to this act. The
5 Department is not required to receive any acknowledgement or repose
6 from the employer before processing the applicant's claim.

7 C. The Department may use information-sharing and integration
8 technology to facilitate the disclosure of relevant information or
9 records to the extent permitted under state and federal privacy and
10 confidentiality laws, so long as an individual consents to the
11 disclosure as required under this law.

12 D. Information contained in the files and records pertaining to
13 an individual under this act are confidential and shall not be
14 disclosed or made open to public inspection, other than to public
15 employees in the course of official duties, to other agencies as
16 necessary for administration of this act, or as otherwise required
17 by law. The individual or an authorized representative of the
18 individual may review the records or receive specific information
19 from the records upon presentation of the individual's signed
20 authorization.

21 E. The Commissioner of Labor shall promulgate any rules
22 necessary to implement the provisions of this act.
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1 SECTION 16. NEW LAW

2 A new section of law to be codified
3 in the Oklahoma Statutes as Section 950.15 of Title 40, unless there
4 is created a duplication in numbering, reads as follows:

5 A. As provided in this section, the Department of Labor shall
6 establish reasonable procedures and forms for filing claims for
7 benefits under this act and shall institute forms and procedures
8 that are not unduly burdensome to an individual claiming benefits.
9 Such forms, including medical certification forms, shall be
10 available in English and any other language deemed necessary by the
11 Commissioner of Labor.

12 B. An individual may file an application for family and medical
13 leave insurance benefits no more than sixty (60) days before the
14 anticipated start date of paid family and medical leave and no more
15 than ninety (90) days after the start date of paid family and
16 medical leave. The Department shall waive the ninety-day filing
17 deadline for good cause. Exact dates of absence are not required
18 for the Department to process a claim, and claim data may be
19 adjusted through a claims modification process as established by the
20 Department.

21 C. Certification for a covered individual taking leave under
22 subparagraph a of paragraph 2 of Section 3 of this act shall be
23 sufficient if the covered individual provides:

- 24 1. The child's birth certificate;

1 2. A document stating the child's birth date issued by the
2 health care provider of the child or the health care provider of the
3 person who gave birth;

4 3. A document issued by the health care provider of the child,
5 an adoption agency involved in the adoption, or by other
6 individuals, as determined by the Department, that confirms the
7 adoption or anticipated adoption and the date of adoption or
8 anticipated adoption;

9 4. A document issued by the health care provider of the child,
10 a foster care agency involved in the placement, or by other
11 individuals, as determined by the Department, that confirms the
12 placement or anticipated placement and the date of placement or
13 anticipated placement; or

14 5. A voluntary acknowledgement of parentage.

15 D. Certification for a covered individual taking leave under
16 subparagraph b of paragraph 2 of Section 3 of this act shall be
17 sufficient if it states the date on which the serious health
18 condition commenced, the probable duration of the condition, the
19 appropriate medical facts within the knowledge of the health care
20 provider as required by the Department, a statement that the covered
21 individual is needed to care for the family member, and an estimate
22 of the amount of time that the covered individual is needed to care
23 for the family member.

1 E. Certification for a covered individual taking leave under
2 subparagraph c of paragraph 2 of Section 3 of this act shall be
3 sufficient if it states the date on which the serious health
4 condition commenced, the probable duration of the condition, and the
5 appropriate medical facts within the knowledge of the health care
6 provider as required by the Department.

7 F. Certification for a covered individual taking leaving under
8 subparagraph d of paragraph 2 of Section 3 of this act shall be
9 sufficient if it includes:

- 10 1. A copy of the family member's active-duty orders;
- 11 2. Documentation issued by the Armed Forces; or
- 12 3. Other documentation permitted by the Department.

13 G. Certification for a covered individual taking leave under
14 subparagraph e of paragraph 2 of Section 3 of this act shall be
15 sufficient if the covered individual provides:

- 16 1. A police report indicating the covered individual or covered
17 individual's family member was a victim of any act defined in
18 Section 60.1 of Title 22 of the Oklahoma Statutes;
- 19 2. A court document indicating that the covered individual or
20 covered individual's family member is involved in legal action
21 related to any act defined in Section 60.1 of Title 22 of the
22 Oklahoma Statutes;
- 23 3. A signed statement from an attorney, member of the clergy,
24 victim and witness advocate, or a medical professional affirming

1 that the covered individual or covered individual's family member is
2 a victim of any act defined in Section 60.1 of Title 22 of the
3 Oklahoma Statutes; or

4 4. The covered individual's statement, which need not be
5 notarized or in any particular form, affirming that the covered
6 individual or the covered individual's family member is a victim of
7 any act defined in Section 60.1 of Title 22 of the Oklahoma
8 Statutes.

9 H. Notwithstanding subsections C through G of this section, the
10 Department shall accept alternative certification for any leave
11 under paragraph 2 of Section 3 of this act that demonstrates the
12 covered individual's need for leave for a purpose specified in
13 paragraph 2 of Section 3 of this act.

14 I. An application for family and medical leave insurance
15 benefits, including certification pursuant to this section, shall be
16 submitted electronically, by mail, or by another method specified by
17 the Department.

18 J. Any medical, health, or other personal information required
19 under this section shall be confidential and shall not be disclosed
20 except with permission from the covered individual who provided it
21 unless disclosure is otherwise required by law.

22 K. A health care provider shall provide a certification of a
23 serious health condition required by this act for paid family or
24 medical leave, including any required documentation of a serious

1 health condition, within seven (7) calendar days of receipt of a
2 request and authorization from the patient.

3 1. Nothing in this section requires a provider to complete a
4 certification for a serious health condition for which the provider
5 does not have the necessary patient information.

6 2. If a health care facility requires administrative review of
7 information or documentation required by this act prior to allowing
8 a provider to submit the certification of a serious health
9 condition, then the health care facility shall implement and
10 maintain policies and practices in conformance with this subsection.

11 3. A health care provider or health care facility may not
12 charge a fee for the execution of certification of a serious health
13 condition under this section. This does not prohibit or limit the
14 ability of a health care provider to charge a fee associated with
15 any office visit necessary for evaluating the patient.

16 SECTION 17. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 950.16 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 A. If the Internal Revenue Service determines that family and
20 medical leave insurance benefits under this act are subject to
21 federal income tax, the Department of Labor shall inform an
22 individual filing a new claim for family and medical leave insurance
23 benefits, at the time of filing such claim, that:

1 1. The Internal Revenue Service has determined that benefits
2 are subject to federal income tax; and

3 2. Requirements may exist pertaining to estimated tax payments.

4 B. Family and medical leave insurance benefits pursuant to this
5 act are not subject to state income tax.

6 SECTION 18. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 950.17 of Title 40, unless there
8 is created a duplication in numbering, reads as follows:

9 There is hereby established as a special fund, separate and
10 apart from all public monies or funds of this state, the "Family and
11 Medical Leave Insurance Fund", which shall be administered by the
12 Department of Labor exclusively for the purpose of the family and
13 medical leave insurance benefits established by this act. This fund
14 shall consist of:

15 1. All contributions collected pursuant to this act, together
16 with any interest thereon collected pursuant to this act;

17 2. All penalties collected pursuant to the provisions of this
18 act;

19 3. Interest earned upon any monies in the fund;

20 4. Any property or securities acquired through the use of
21 monies belonging to the fund;

22 5. All earnings of such property or securities; and

23 6. All other monies received for the fund from any other
24 source.

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 950.18 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Beginning on the effective date of this act, the Department
5 of Labor shall submit a report to the Legislature at the end of each
6 year that includes:

7 1. Projected and actual participation under paragraph 2 of
8 Section 3 of this act;

9 2. Age, gender, race, ethnicity, sexual orientation, primary or
10 preferred language, residential zip code, average weekly wage,
11 occupation, and employment type as collected through the initial
12 application process for all applicants and for applicants with an
13 approved claim;

14 3. Average weekly benefit;

15 4. Average leave duration as a result of paragraph 2 of Section
16 3 of this act;

17 5. Contribution rates;

18 6. Current and projected fund balances;

19 7. Processing times for initial claims processing and
20 determinations;

21 8. State reasons for claim denials;

22 9. Number of appeals filed and outcomes related to appeals;

23 10. Average length of time between application and receipt of
24 benefits;

1 11. A description of the Department's outreach efforts; and

2 12. For leaves taken under subparagraph b of paragraph 2 of
3 Section 3 of this act, category of family member for whom leave was
4 taken to provide care.

5 B. Such report shall be made publicly available immediately
6 following submission to the Legislature.

7 SECTION 20. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 950.19 of Title 40, unless there
9 is created a duplication in numbering, reads as follows:

10 After the effective date of this act, and for as long as this
11 act continues, the Department of Labor shall conduct a public
12 education campaign to educate workers and employers about the
13 availability of family and medical leave insurance benefits under
14 this act, including certification requirements pursuant to Section
15 16 of this act. The Department may use funds collected pursuant to
16 this act in a given year to pay for the public education program.

17 SECTION 21. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 950.20 of Title 40, unless there
19 is created a duplication in numbering, reads as follows:

20 A. Any individual who believes that his or her rights under
21 this act have been interfered with, restrained, or denied in
22 violation of this act or that the individual has been discharged or
23 otherwise discriminated against in violation of this act may, within
24 twenty-four (24) months after the violation occurs or the individual

1 should reasonably have known that the violation occurred, whichever
2 is later:

3 1. File a complaint with the Department of Labor alleging the
4 violation; or

5 2. Bring a civil action in a court of competent jurisdiction.

6 B. The Department shall process complaints filed pursuant to
7 paragraph 1 of subsection A of this section in the same manner as
8 complaints filed under Title 40 of the Oklahoma Statutes are
9 processed. If the Department finds that an employer has violated
10 Section 8 or 9 of this act, the Department shall:

11 1. Order the employer to take action to remedy the violation,
12 which may include:

- 13 a. providing the requested family or medical leave,
- 14 b. reinstating an employee,
- 15 c. providing for up to two (2) years of back pay,
- 16 d. interest on the amount described in subparagraph c of
17 this paragraph calculated at the prevailing rate,
- 18 e. liquidated damages equal to the sum of the amount
19 described in subparagraph c of this paragraph and the
20 interest described in subparagraph d of this
21 paragraph,
- 22 f. paying reasonable actual attorney fees to the
23 complainant, and
- 24 g. any other relief the Department deems appropriate; and

1 2. Assess the employer a penalty not less than Five Hundred
2 Dollars (\$500.00), with such assessments to be deposited in the
3 Family and Medical Leave Insurance Fund as created in Section 18 of
4 this act.

5 C. An individual or the Department may bring a civil action in
6 a court of competent jurisdiction against an employer for a
7 violation of Section 8 or 9 of this act. Such action may be brought
8 by an individual aggrieved by a violation of Section 8 or 9 of this
9 act without first filing a complaint with the Department. The court
10 may order payment of damages caused by the violation, liquidated
11 damages, reasonable costs including attorney fees, and legal and
12 equitable relief as the court deems appropriate. A civil action
13 brought after the completion of an administrative proceeding under
14 subsection B of this section shall be commenced within twenty-four
15 (24) months after the completion of such proceeding.

16 SECTION 22. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 950.21 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 The Department of Labor shall use state data collection,
20 technology, outreach, and educational efforts to the extent possible
21 and integrate this act with existing and future state policies,
22 programs, and practices including, but not limited to, policies,
23 programs, and practices that serve populations intended to be served
24 by this act and data that promotes this act's effectiveness,

1 efficiency, and utilization. Nothing in this act should be
2 interpreted as interfering with such coordination efforts. The
3 state shall report on these coordination efforts on an annual basis
4 beginning after the effective date of this act.

5 SECTION 23. This act shall become effective November 1, 2025.

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