

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1963

By: Dollens

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5
6 AS INTRODUCED

7 An Act relating to labor; enacting the Oklahoma
8 Healthy Families and Workplaces Act; stating purpose;
9 defining terms; providing for accrual of certain
10 employee leave; specifying leave amounts; prescribing
11 procedures for accrual and use of leave; providing
12 for sick leave; stating authorized purposes of sick
13 leave; prescribing procedures with respect to sick
14 leave; making certain acts unlawful; prohibiting
15 retaliation; requiring employers to give certain
16 notice; specifying notice requirements'; requiring
17 certain display of information; imposing duties upon
18 the Department of Labor; authorizing powers to
19 Commissioner of Labor; authorizing citations;
20 prescribing procedures related to citations
21 prohibiting forced disclosure of certain information
22 related to health; prohibiting certain construction
23 of statutes; prohibiting certain waivers; providing
24 for codification; and providing an effective date.

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 1001 of Title 40, unless there
is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Healthy Families and Workplaces Act".

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1002 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 The purpose of this act is to provide eligible employees in
5 Oklahoma the right to earn paid sick time for personal or family
6 health needs and provide certain provisions naturally and
7 necessarily related to that purpose.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 1003 of Title 40, unless there
10 is created a duplication in numbering, reads as follows:

11 For purposes of the Oklahoma Healthy Families and Workplaces
12 Act:

- 13 1. "Department" means the Department of Labor;
- 14 2. "Employ" means to permit to work;
- 15 3. a. "Employee" means any individual employed by an
16 employer, but does not include an individual who works
17 in Oklahoma for fewer than eighty (80) hours in a
18 calendar year.
19 b. Employee does not include an "employee" as defined by
20 45 U.S.C., Section 351(d) who is subject to the
21 federal Railroad Unemployment Insurance Act, 45
22 U.S.C., Section 351 et seq.;
- 23 4. a. "Employer" means any individual, partnership, limited
24 liability company, association, corporation, business

1 trust, legal representative, or organized group of
2 persons who employs one or more employees.

3 b. Employer does not include the United States or the
4 State of Oklahoma or its agencies, Departments, or
5 political subdivisions;

6 5. "Family member" means:

7 a. any of the following, regardless of age: a
8 biological, adopted, or foster child, a stepchild, a
9 legal ward, or a child to whom the employee stands in
10 loco parentis,

11 b. a biological, foster, step, or adoptive parent or a
12 legal guardian of an employee or an employee's spouse,

13 c. a person who stood in loco parentis to the employee or
14 the employee's spouse when the employee or employee's
15 spouse was a minor child,

16 d. a person to whom the employee is legally married under
17 the laws of any state,

18 e. a grandparent, grandchild, or sibling, whether of a
19 biological, foster, adoptive, or step relationship, of
20 the employee or the employee's spouse, or

21 f. any other individual related by blood to the employee
22 or whose close association with the employee is the
23 equivalent of a family relationship;

24

1 6. "Health care professional" means any person licensed under
2 any federal or state law to provide medical or emergency services;

3 7. "Paid sick time" means time that is compensated at the same
4 hourly rate and with the same benefits, including health care
5 benefits, as the employee typically earns during hours worked and
6 that is provided by an employer to an employee for the purposes
7 described in this act, and in no case shall the amount of this
8 hourly rate be less than that provided under applicable law;

9 8. "Public health emergency" means a declaration or
10 proclamation related to a public health threat, risk, disaster, or
11 emergency that is made or issued by a federal, state, or local
12 official with the authority to make or issue such a declaration or
13 proclamation;

14 9. "Retaliatory personnel action" means a denial of any right
15 guaranteed under the Oklahoma Healthy Families and Workplaces Act
16 and any threat, discharge, suspension, demotion, reduction of hours
17 or pay, or other adverse action against an employee for exercising
18 or attempting to exercise any right guaranteed in the Oklahoma
19 Healthy Families and Workplaces Act;

20 10. a "Small business" means an employer with fewer than
21 twenty employees during a given week, including full-
22 time, part-time, or temporary employees.

23 b. Small business does not include an employer that
24 maintained twenty or more employees on its payroll in

1 each of twenty (20) or more calendar weeks in the
2 current or preceding calendar year; and

3 11. "Year" means a regular and consecutive twelve-month period
4 as determined by the employer.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1004 of Title 40, unless there
7 is created a duplication in numbering, reads as follows:

8 A. All employees shall accrue a minimum of one (1) hour of paid
9 sick time for every thirty (30) hours worked. Unless the employer
10 selects a higher limit, this section does not entitle an employee to
11 earn or use more than:

12 1. Forty (40) hours of paid sick time in a year for an employee
13 of a small business; or

14 2. Fifty-six (56) hours of paid sick time in a year for an
15 employee of an employer that is not a small business.

16 B. Employees who are exempt from overtime requirements under 29
17 U.S.C., Section 213(a)(1) of the federal Fair Labor Standards Act,
18 29 U.S.C., Section 201 et seq., shall be assumed to work forty (40)
19 hours in each workweek for purposes of paid sick time accrual unless
20 their typical workweek is less than forty (40) hours, in which case
21 paid sick time accrues based upon that typical workweek.

22 C. Paid sick time as provided in this section shall begin to
23 accrue at the commencement of employment or October 1, 2025,
24 whichever is later. An employee shall be entitled to use paid sick

1 time as it is accrued. An employer may provide all paid sick time
2 that an employee is expected to accrue in a year at the beginning of
3 the year.

4 D. Accrued paid sick time shall be carried over to the
5 following year. A small business is not required to permit an
6 employee to use more than forty (40) hours of paid sick time per
7 year, and other employers are not required to permit an employee to
8 use more than fifty-six (56) hours of paid sick time per year.

9 Alternatively, in lieu of carryover of unused paid sick time
10 provided pursuant to this section from one year to the next, an
11 employer may pay an employee for unused paid sick time provided
12 pursuant to this section at the end of a year and provide the
13 employee with an amount of paid sick time that meets or exceeds the
14 requirements of paragraphs 1 and 2 of subsection A of this section
15 that is available for the employee's immediate use at the beginning
16 of the subsequent year.

17 E. Any employer with a paid leave policy, such as a paid time
18 off policy, who makes available an amount of paid leave sufficient
19 to meet the requirements of the Oklahoma Healthy Families and
20 Workplaces Act that may be used for the same purposes and under the
21 same conditions as paid sick time under the act is not required to
22 provide additional paid sick time under the act.

23 F. At its discretion, an employer may loan paid sick time to an
24 employee in advance of accrual by such employee.

1 G. If an employee is transferred to a separate division,
2 entity, or location, but remains employed by the same employer, the
3 employee is entitled to all paid sick time accrued at the prior
4 division, entity, or location and is entitled to use all paid sick
5 time as provided in the Oklahoma Healthy Families and Workplaces
6 Act. When there is a separation from employment and the employee is
7 rehired within twelve (12) months of separation by the same
8 employer, previously accrued paid sick time that had not been used
9 shall be reinstated. The employee shall be entitled to use accrued
10 paid sick time and accrue additional paid sick time at the
11 recommencement of employment.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1005 of Title 40, unless there
14 is created a duplication in numbering, reads as follows:

15 A. Paid sick time shall be provided to an employee by an
16 employer for:

17 1. An employee's mental or physical illness, injury, or health
18 condition; an employee's need for medical diagnosis, care, or
19 treatment of a mental or physical illness, injury, or health
20 condition; or an employee's need for preventative medical care;

21 2. Care of a family member with a mental or physical illness,
22 injury, or health condition; care of a family member who needs
23 medical diagnosis, care, or treatment of a mental or physical
24 illness, injury, or health condition; care of a family member who

1 needs preventive medical care; or in the case of a child, to attend
2 a meeting necessitated by the child's mental or physical illness,
3 injury, or health condition, at a school or place where the child is
4 receiving care; or

5 3. Closure of the employee's place of business by order of a
6 public official due to a public health emergency; an employee's need
7 to care for a child whose school or place of care has been closed by
8 order of a public official due to a public health emergency; or an
9 employee's need to self-isolate or care for the employee or a family
10 member when it has been determined by the health authorities having
11 jurisdiction or by a health care professional that the employee's or
12 family member's presence in the community may jeopardize the health
13 of others because of exposure to a communicable disease, whether or
14 not the employee or family member has actually contracted the
15 communicable disease.

16 B. Paid sick time under this section shall be provided upon the
17 oral request of an employee. When possible, the request shall
18 include the expected duration of the absence.

19 C. An employer that requires notice of the need to use paid
20 sick time in accordance with this section shall provide a written
21 policy that contains reasonable procedures for employees to provide
22 notice. An employer that has not provided to the employee a copy of
23 such written policy shall not deny paid sick time to the employee
24 based on noncompliance with such a policy.

1 D. An employer shall not require, as a condition of an
2 employee's taking paid sick time under this section, that the
3 employee search for or find a replacement worker to cover the hours
4 during which the employee is using paid sick time.

5 E. Paid sick time under this section may be used in the smaller
6 of hourly increments or the smallest increment that the employer's
7 payroll system uses to account for absences or use of other time.

8 F. For use of paid sick time for more than three (3)
9 consecutive work days, an employer may require reasonable
10 documentation that the paid sick time has been used for a purpose
11 covered by of this section. Reasonable documentation shall include
12 (a) documentation signed by a health care professional indicating
13 that the paid sick time is or was necessary or (b) if the employee
14 or a family member did not receive services from a health care
15 professional, or if documentation cannot be obtained from a health
16 care professional in a reasonable time or without added expense, a
17 written statement from the employee indicating that the employee is
18 taking or took paid sick time for a qualifying purpose covered by
19 this section.

20 G. An employer signatory to a multi-employer collective
21 bargaining agreement may fulfill its obligations under the Oklahoma
22 Healthy Families and Workplaces Act by making contributions to a
23 multi-employer paid sick time fund, plan, or program based on the
24 hours each employee accrues pursuant to the act while working under

1 the multi-employer collective bargaining agreement, if the fund,
2 plan, or program enables employees to collect paid sick time from
3 the fund, plan, or program based on hours they have worked under the
4 multi-employer collective bargaining agreement into which their
5 employers make contributions as provided in this subsection may
6 collect from the paid sick time fund, plan, or program based on
7 hours they have worked under the multi-employer collective
8 bargaining agreement and for the purposes specified under the act.

9 SECTION 6. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1006 of Title 40, unless there
11 is created a duplication in numbering, reads as follows:

12 A. It shall be unlawful for an employer or any other person to
13 interfere with, restrain, or deny the exercise of, or the attempt to
14 exercise, any right protected under the Oklahoma Healthy Families
15 and Workplaces Act.

16 B. An employer shall not take retaliatory personnel action
17 against an employee or former employee because the person has
18 exercised or attempted to exercise rights protected under the act.
19 Such rights include, but are not limited to, the right to request or
20 use paid sick time pursuant to the act; the right to file a suit or
21 complaint or inform any person about any employer's alleged
22 violation of the act; the right to participate in an investigation,
23 hearing, or proceeding or cooperate with or assist the Department of
24 Labor in its investigations of alleged violations of the act; and

1 the right to inform any person of the person's potential rights
2 under the act.

3 C. It shall be unlawful for an employer's absence control
4 policy to count paid sick time taken under the act as an absence
5 that may lead to or result in a retaliatory personnel action or any
6 other adverse action.

7 SECTION 7. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1007 of Title 40, unless there
9 is created a duplication in numbering, reads as follows:

10 A. Employers shall give employees written notice of the
11 following at the commencement of employment or by September 15,
12 2025, whichever is later: that beginning November 1, 2025,
13 employees are entitled to paid sick time; the amount of paid sick
14 time; the terms of its use guaranteed under the Oklahoma Healthy
15 Families and Workplaces Act; that retaliatory personnel action
16 against employees who request or use paid sick time is prohibited;
17 that each employee has the right to file a suit or complaint if paid
18 sick time as required by the act is denied by the employer or the
19 employee is subjected to retaliatory personnel action for requesting
20 or taking paid sick time; and the contact information for the
21 Department of Labor where questions about rights and
22 responsibilities under the act can be answered.

23 B. The notices required in subsection A of this section shall
24 be provided in:

1 1. English; and

2 2. Any language that is the first language spoken by at least
3 five percent (5%) of the employer's workforce if the Department has
4 provided a model notice in such language.

5 C. The amount of paid sick time available to the employee, the
6 amount of paid sick time taken by the employee to date in the year,
7 and the amount of pay the employee has received as paid sick time
8 shall be recorded in, or on an attachment to, the employee's regular
9 paycheck.

10 D. Employers shall display a poster that contains the
11 information required in subsection A of this section in a
12 conspicuous and accessible place in each establishment where such
13 employees are employed. If an employer does not maintain a physical
14 workplace or an employee teleworks or performs work through a web-
15 based or app-based platform, the employer shall provide notice of
16 such information via electronic communication or a conspicuous
17 posting in the web-based or app-based platform. The poster
18 displayed shall be in:

19 1. English; and

20 2. Any language that is the first language spoken by at least
21 five percent (5%) of the employer's workforce.

22 E. The Department shall create and make available to employers,
23 in all languages spoken by at least five percent (5%) of Oklahoma's
24 workforce and any language deemed appropriate by the Department,

1 model notices and posters that contain the information required
2 under subsection A of this section and for employers' use in
3 complying with subsections B and D of this section.

4 SECTION 8. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 1008 of Title 40, unless there
6 is created a duplication in numbering, reads as follows:

7 A. The Department of Labor shall be responsible for
8 implementation and enforcement of the Oklahoma Healthy Families and
9 Workplaces Act. The Department may adopt and promulgate rules and
10 regulations as necessary to carry out the act.

11 B. The Commissioner of Labor may subpoena records and witnesses
12 related to the enforcement of the act. The Commissioner or his or
13 her agent may inspect all related records and gather testimony on
14 any matter relative to the enforcement of the act when the
15 information sought is relevant to a lawful investigative purpose and
16 is reasonable in scope.

17 SECTION 9. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 1009 of Title 40, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Commissioner of Labor shall issue a citation to an
21 employer when an investigation reveals that the employer may have
22 violated the Oklahoma Healthy Families and Workplaces Act.

23 B. When a citation is issued, the Commissioner shall notify the
24 employer of the proposed administrative penalty, if any, by

1 certified mail, by any other manner of delivery by which the United
2 States Postal Service can verify delivery, or by any method of
3 service recognized under law. The administrative penalty shall not
4 be more than Five Hundred Dollars (\$500.00) in the case of a second
5 or subsequent violation.

6 C. The employer has fifteen (15) working days after the date of
7 the citation or penalty to contest such citation or penalty. Notice
8 of contest shall be sent to the Commissioner who shall provide a
9 hearing in accordance with the Administrative Procedures Act.

10 D. Any employer who has an unpaid citation for a violation of
11 the Oklahoma Healthy Families and Workplaces Act shall be barred
12 from contracting with the state or any political subdivision until
13 such citation is paid. If a citation has been contested as
14 described in this section, it shall not be considered an unpaid
15 citation under this subsection until after such contest has been
16 resolved.

17 E. Citations issued under this section and the names of
18 employers who have been issued a citation shall be made available to
19 the public upon request, except that this subsection shall not apply
20 to any citations that are being contested as described in subsection
21 C of this section.

22 F. An employee having a claim for a violation of the Oklahoma
23 Healthy Families and Workplaces Act may institute suit for legal and
24 equitable relief in the proper court. In any action brought to

1 enforce the Oklahoma Healthy Families and Workplaces Act, the court
2 shall have jurisdiction to grant such legal or equitable relief as
3 the court deems appropriate to effectuate the purposes of the act.
4 If an employee establishes a claim and secures judgment on the
5 claim, such employee shall also be entitled to recover the full
6 amount of the judgment and all costs of such suit, including
7 reasonable attorney fees.

8 G. If an employee institutes suit against an employer under
9 this section, any citation that is issued against an employer under
10 this section and that relates directly to the facts in dispute shall
11 be admitted into evidence unless specifically excluded by the court.
12 If a citation has been contested as described in this section, it
13 shall not be admitted into evidence under this subsection until such
14 contest has been resolved.

15 H. A civil action brought under this section shall be commenced
16 no later than four (4) calendar years after the cause of action
17 accrues.

18 SECTION 10. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1010 of Title 40, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Unless otherwise required by law, an employer shall not
22 require disclosure of the details of an employee's or an employee's
23 family member's health information as a condition of providing paid
24 sick time under the Oklahoma Healthy Families and Workplaces Act.

1 B. Unless otherwise required by law, any health information
2 possessed by an employer regarding an employee or employee's family
3 member shall:

4 1. Be maintained on a separate form and in a separate file from
5 other personnel information;

6 2. Be treated as confidential medical records; and

7 3. Not be disclosed except to the affected employee or with the
8 express permission of the affected employee.

9 SECTION 11. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1011 of Title 40, unless there
11 is created a duplication in numbering, reads as follows:

12 A. The Oklahoma Healthy Families and Workplaces Act provides
13 minimum requirements pertaining to paid sick time, and nothing in
14 the act shall be construed to:

15 1. Prohibit an employer from the adoption or retention of a
16 paid sick time policy more generous than the one required by the
17 act;

18 2. Diminish the obligation of an employer to comply with any
19 contract, collective bargaining agreement, employment benefit plan,
20 or other agreement providing more generous paid sick time to an
21 employee than required by the act;

22 3. Diminish the rights of public employees regarding paid sick
23 time or use of paid sick time as provided in state or local law; or
24

1 4. Preempt, limit, or otherwise affect the applicability of any
2 other law, regulation, requirement, policy, or standard that
3 provides for a greater amount, accrual, or use by employees of paid
4 sick time or that extends other protections to employees.

5 B. The rights and remedies under the Oklahoma Healthy Families
6 and Workplaces Act shall not be waived by any agreement, policy,
7 form, or condition of employment.

8 SECTION 12. This act shall become effective November 1, 2025.

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