

SHORT TITLE: Labor and schools; creating the "Oklahoma Youth Training Employment Freedom Act"; codification; effective date; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1159

By: Rubottom

AS INTRODUCED

An Act relating to labor and schools; amending 40 O.S. 1991, Section 76, as amended by Section 2, Chapter 137, O.S.L. 1993 (40 O.S. Supp. 1995, Section 76), which relates to night work; exempting certain persons from certain limitations on night work; creating the "Oklahoma Youth Training Employment Freedom Act"; providing definitions; requiring certain contractual agreement; stating provisions of certain agreement; allowing certain school districts to receive full average daily membership for certain students; limiting certain hours worked; authorizing travel time to be included in certain calculations; authorizing the receipt of certain academic credit; authorizing certain use of certain academic credit; authorizing certain entities to publish a model of a certain contractual agreement; requiring certain employers to provide insurance coverage; providing alternative; prohibiting certain provider from excluding certain medical costs; providing for certain employer limitations; authorizing certain parents to enter into certain agreements; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 76, as amended by Section 2, Chapter 137, O.S.L. 1993 (40 O.S. Supp. 1995, Section 76), is amended to read as follows:

Section 76. A. No person under the age of sixteen (16) years shall be employed or permitted to work in any of the occupations set out in Section 71 of this title between the hours of seven o'clock p.m. and seven o'clock a.m.; except, during the summer (June 1 through Labor Day) and, if the employer is not covered by the Fair Labor Standards Act, 29 U.S.C.A. Section 201 et seq., during the

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remainder of the year on days followed by a nonschool day when the prohibited hours will be between the hours of nine o'clock p.m. and seven o'clock a.m.

B. Persons employed under the Oklahoma Youth Training Employment Freedom Act shall be exempt from the limitations provided for in subsection A of this section on one day followed by a school day (Sunday-Thursday) per week and one day not followed by a school day (Friday-Saturday) per week.

SECTION 2. NEW LAW A new section of law to be codified as Section 14-131 of Title 70, unless there is created a duplication in numbering reads as follows:

This act shall be known and may be cited as the "Oklahoma Youth Training Employment Freedom Act".

SECTION 3. NEW LAW A new section of law to be codified as Section 14-132 of Title 70, unless there is created a duplication in numbering reads as follows:

The purpose of the Oklahoma Youth Training Employment Freedom Act is to advance school-to-work efforts of all educators and employers in this state by expanding job opportunities for youth fourteen (14) to eighteen (18) years of age.

SECTION 4. NEW LAW A new section of law to be codified as Section 14-133 of Title 70, unless there is created a duplication in numbering reads as follows:

For purposes of the Oklahoma Youth Training Employment Freedom Act:

1. "Certified youth training employment agreements" means agreements between certified youth training employees and employers which combine school-related learning and on-the-job instruction in a structured learning experience;

2. "Eligible youth training employee" means anyone between fourteen (14) and eighteen (18) years of age who is complying with the compulsory school attendance law, pursuant to Section 10-105 of Title 70 of the Oklahoma Statutes, or who is eighteen (18) years of age or older and is attending and complying with the rules of some private, public or other school to complete the requirements for a high school diploma or General Education Diploma; and

3. "Certified youth training employee" means an eligible youth training employee who is gainfully employed for any amount of time during any week under a certified youth training employment agreement.

SECTION 5. NEW LAW A new section of law to be codified as Section 14-134 of Title 70, unless there is created a duplication in numbering reads as follows:

A. Any employer or eligible youth training employee who wishes to form a certified youth training employment agreement must enter into a contractual agreement signed by the employed youth and his or her custodial parent or parents, if the youth is under eighteen (18) years of age, the employer, the school principal and the vocational-technical instructor. Such agreement must include, but not be limited to, the following provisions:

1. Term of agreement;
2. A covenant that the employment is related to the career development education of the employed youth;
3. Identification of important job-related skills which the employed youth is expected to develop during the term of the agreement;
4. The conditions of employment, compensation and benefits;
5. Identification of any statutory benefits such as workers' compensation, unemployment and minimum wage provisions from which

the employed youth will be exempted during the term of the agreement; and

6. Requirement that the employer make a written report monthly to the other parties of the agreement which shall include an evaluation of the certified youth training employee's progress toward attaining the job-related skills set forth in the agreement, and any identified deficiencies in the certified youth training employee's basic academic skills such as reading, writing, mathematics, science, history or any other knowledge considered important by the employer or identified in the agreement as important to the other parties of the agreement.

B. A school district may receive full Average Daily Membership (ADM) on a student who is participating in a certified youth training employment agreement pursuant to the provisions of this act. In determining a legal school day for a student participating in a certified youth training employment agreement, the district may use a combination of local school enrollment and hours worked. No more than five (5) hours per school week may be counted toward meeting the six-hour school day requirement for youth training employees who are fourteen (14) or fifteen (15) years of age and no more than ten (10) hours per school week may be counted toward meeting the six-hour school day requirement for certified youth training employees who are within twenty-one (21) months of their expected graduation date or who are sixteen (16) years of age or older. Travel time necessary for students to participate in a certified youth training employment agreement may also be counted toward meeting the six-hour school day requirement.

C. Subject to the approval of the local board of education, academic credit may be received for participating in a certified

youth training employment agreement and may be counted toward meeting high school graduation requirements.

D. The Secretary of Education, the State Department of Education, the State Department of Vocational and Technical Education, or any area vocational-technical school or school district is hereby authorized to publish a model of the contractual agreement required by this act for the convenience of youth, educators, families and employers.

SECTION 6. NEW LAW A new section of law to be codified as Section 14-135 of Title 70, unless there is created a duplication in numbering reads as follows:

A. Any employer who enters into a certified youth training employment agreement must elect to provide insurance coverage for every certified youth training employee as follows:

1. Pursuant to the provisions of the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes; or

2. Pursuant to the provisions of the employer's group health benefit and disability plan.

B. If the employer does not elect to provide insurance coverage pursuant to the Workers' Compensation Act and the employer does not provide a group health benefit and disability plan, the custodial parent or parents of the certified youth training employee may elect for coverage to be provided for their child as follows:

1. Pursuant to the provisions for a dependent under the parent's group health benefit and disability plan, or business or family automobile policy, if medical payment coverage is included; or

2. Pursuant to the provisions of the State and Education Employees Group Insurance Act, Section 1301 et seq. of Title 74 of the Oklahoma Statutes, and the State Employees Disability Program

Act, Section 1331 et seq. of Title 74 of the Oklahoma Statutes. Coverage for the employee under these acts shall only be provided for injuries and illnesses related to the employee's certified youth training employment.

If a parent elects for coverage to be provided for their child as a dependent under the parent's group health benefit and disability plan or business or family automobile policy which includes medical payment coverage, the insurance provider shall be prohibited from excluding medical costs relating to injuries and illnesses related to the employee's certified youth training employment.

SECTION 7. NEW LAW A new section of law to be codified as Section 14-136 of Title 70, unless there is created a duplication in numbering reads as follows:

A. If the certified youth training employee is not covered under the provisions of the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes, the employee's damages in any suit against the employer shall be limited to:

1. One Hundred Thousand Dollars (\$100,000.00) for any claim for a loss arising out of a single occurrence or accident; and
2. One Million Dollars (\$1,000,000.00) for any number of claims arising out of a single occurrence or accident. No award for damages in any action shall include punitive or exemplary damages.

B. The custodial parent or parents of a certified youth training employee may enter into an agreement with the employer for indemnification of the employer by the parent for nonintentional torts committed by the employee arising out of the employment relationship between the certified youth training employee and the employer.

SECTION 8. This act shall become effective July 1, 1996.

SECTION 9. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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