

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3078

By: Graves

AS INTRODUCED

An Act relating to workers' compensation; amending 85 O.S. 1991, Section 5, as last amended by Section 21, Chapter 1, 2nd Extraordinary Session, O.S.L. 1994 (85 O.S. Supp. 1997, Section 5), which relates to the Workers' Compensation Act; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 85 O.S. 1991, Section 5, as last amended by Section 21, Chapter 1, 2nd Extraordinary Session, O.S.L. 1994 (85 O.S. Supp. 1997, Section 5), is amended to read as follows:

Section 5. A. 1. No person, firm, partnership or corporation may discharge any employee because the employee has in good faith filed a claim, or has retained a lawyer to represent ~~him~~ the employee in said claim, instituted or caused to be instituted, in good faith, any proceeding under the provisions of this title, or has testified or is about to testify in any such proceeding.

2. No person, firm, partnership or corporation may discharge ~~an~~ any employee during a period of temporary total disability solely on the basis of absence from work.

B. No employer shall be required to rehire or retain any employee who is determined physically unable to perform ~~his~~ the assigned duties. The failure of an employer to rehire or retain any

such employee shall in no manner be deemed a violation of this section.

C. No person, firm, partnership or corporation may discharge any employee because the employee has in good faith elected to participate or not to participate in a certified workplace medical plan as provided in Section 14 of this title.

SECTION 2. This act shall become effective November 1, 1998.

46-2-9148

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