

SHORT TITLE: Workers' compensation; prohibiting employer from taking certain actions against certain employee. Effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1185

By: Long

AS INTRODUCED

An Act relating to workers' compensation; amending 85 O.S. 1991, Section 5, as last amended by Section 21, Chapter 1, O.S.L. 1994, 2nd Ex. Sess. (85 O.S. Supp. 1997, Section 5), which relates to discharge of employee; prohibiting employer from taking certain actions against certain employee; modifying and 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, O.S.L. 1994, 2nd Ex.Sess. (85 O.S. Supp. 1997, Section 5), is amended to read as follows:

Section 5. A. ~~1.~~ No person, firm, partnership ~~or~~, corporation, or other entity may discharge, discriminate against, or take any adverse employment action including, but not limited to, wrongful termination of benefits under the provisions of this title, against any employee because the employee has in good faith ~~filed:~~

1. Filed a claim, or has retained;

2. Retained a lawyer to represent him said in for representation regarding a claim, instituted;

3. Instituted or caused to be instituted, in good faith, any proceeding under the provisions of this title, or has testified

4. Testified or is about to testify in any ~~such~~ proceeding under the provisions of this title which relates to the employee's past or present employment.

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

~~B.~~ C. No ~~employer~~ person, firm, partnership, corporation, or other entity shall be required to rehire or retain any employee who is determined to be physically unable to perform ~~his~~ 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.~~ D. No person, firm, partnership ~~or~~, corporation, or other entity 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.

E. No person, firm, partnership, corporation, or other entity who has continued an employee's regular compensation during a period of temporary total disability or voluntarily commenced the furnishing of medical benefits pursuant to the provisions of this title, may terminate compensation or medical benefits as a result of any action taken by the employee described in subsection A of this section.

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

46-2-2183

KSM