

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1418

By: Staggs

AS INTRODUCED

An Act relating to schools; directing school districts to increase support employee salaries; providing for method of payment; clarifying eligibility of support employees; amending Section 5, Chapter 380, O.S.L. 1998, as amended by Section 1, Chapter 334, O.S.L. 1999 and Section 7, Chapter 380, O.S.L. 1998, as last amended by Section 5, Chapter 308, O.S.L. 2000 (70 O.S. Supp. 2000, Sections 26-103 and 26-105), which relate to the Education Flexible Benefits Allowance Act; modifying definition of support personnel; updating statutory language; changing amount of flexible benefit allowance for certain support personnel; providing for payment of flexible benefit allowance for certain support employees; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

The salary level of state-paid support employees, as defined in Section 6-101.40 of Title 70 of the Oklahoma Statutes, employed by a local public school district shall be increased by at least One Dollar (\$1.00) per hour. The salary increase provided for in this section shall be in addition to, and not as a replacement for, any portion of any salary which would have been received by a support employee in the absence of this legislation and shall be in addition to any negotiated salary increase to which a school district and support employees of that school district have previously agreed. The salary increase shall be provided to all support employees regardless of the number of hours per day the employee works.

SECTION 2. AMENDATORY Section 5, Chapter 380, O.S.L. 1998, as amended by Section 1, Chapter 334, O.S.L. 1999 (70 O.S. Supp. 2000, Section 26-103), is amended to read as follows:

Section 26-103. The following words and phrases as used in this act, unless a different meaning is clearly required by the context, shall have the following meanings:

1. "Benefit" means any of the benefits which may be purchased or are required to be purchased under the cafeteria plan;

2. "Cafeteria plan" means a benefit plan established pursuant to 26 U.S.C. Section 125;

3. "Flexible benefit allowance" means amounts credited by the school district for each school district employee for the purchase of benefits under the cafeteria plan;

4. "Support personnel" means full-time employees of a school district as determined by the standard period of labor which is customarily understood to constitute full-time employment for the type of services performed by the employees who are employed a ~~minimum of six (6) hours per day for a~~ minimum of one hundred seventy-two (172) days and who provide services not performed by certified personnel, which is necessary for the efficient and satisfactory functioning of a school district, and shall include cooks, janitors, maintenance personnel, bus drivers, noncertified or nonregistered nurses, noncertified librarians, and clerical employees of a school district but shall not include adult education instructors or adult coordinators employed by ~~area vocational-technical~~ technology center school districts;

5. "Plan year" means the twelve-month period established by the school district for the cafeteria plan;

6. "School district" means the public school districts and ~~area vocational-technical~~ technology center school districts of this state;

7. "School district employee" means certified or support personnel as defined in this act;

8. "Certified personnel" means a certified person employed on a full-time basis to serve as a teacher, principal, supervisor, administrator, counselor, librarian, or certified or registered nurse, but shall not mean a superintendent of a school district; and

9. "Self-insured" means a health care program in which the school district funds the benefit plans from its own resources without purchasing insurance and which may be administered by the school district or by an outside administrator under contract with the school district for administrative services. The State Board of Education shall prepare by May 1st of each year a list of each school district in the state that is self-insured and the number of support personnel and the number of certified personnel that are participating in each self-insured school district plan.

SECTION 3. AMENDATORY Section 7, Chapter 380, O.S.L. 1998, as last amended by Section 5, Chapter 308, O.S.L. 2000 (70 O.S. Supp. 2000, Section 26-105), is amended to read as follows:

Section 26-105. A. At a minimum, the flexible benefit allowance may be used by a school district employee that is participating in the cafeteria plan to purchase major medical health care plan coverage offered by the school district through a cafeteria plan, or the excess flexible benefit allowance may be used to purchase any of the additional benefits offered by the school district. A school district employee that is not participating in the school district sponsored cafeteria plan, may elect to receive the flexible benefit allowance as taxable compensation.

B. Each eligible school district employee shall be credited annually with a specified amount as a flexible benefit allowance which shall be available for the purchase of benefits. The amount of the flexible benefit allowance credited to each eligible school district employee shall be communicated to the employee prior to the

enrollment period for each plan year. For the fiscal year ending June 30, 2001, the flexible benefit allowance amount for certified personnel shall be no less than Fifty-seven Dollars and eighty-three cents (\$57.83) per month. For the fiscal year ending June 30, ~~2001~~ 2002, the flexible benefit allowance amount for support personnel who work six (6) hours per day or more shall be no less than ~~One Hundred Seventy Dollars and twenty-four cents (\$170.24)~~ Two Hundred Eleven Dollars and twenty-four cents (\$211.24) per month. For the fiscal year ending June 30, 2002, the flexible benefit allowance amount for support personnel who work less than six (6) hours per day shall be no less than One Hundred Five Dollars and Sixty-two cents (\$105.62) per month.

C. If a school district employee who is participating in the cafeteria plan elects benefits whose sum total is less than the flexible benefit allowance, the employee shall receive any excess flexible benefit allowance as taxable compensation. Such taxable compensation shall be paid in substantially equal amounts each pay period over the plan year. On termination during a plan year, a participating school district employee shall have no right to receive any such taxable cash compensation allocated to the portion of the plan year after the termination of the employee.

D. Each school district employee shall make an annual election of benefits under the plan during an enrollment period to be held prior to the beginning of each plan year. The enrollment period dates will be determined annually and will be announced by the school district, providing the enrollment period shall end no later than thirty (30) days before the beginning of the plan year. Each such school district employee shall make an irrevocable advance election for the plan year or the remainder thereof pursuant to such procedures as the school district shall prescribe.

E. The school district shall prescribe the forms that school district employees shall be required to use in making their

elections, and may prescribe deadlines and other procedures for filing the elections.

F. School district employees hired after the closing of the enrollment period shall be allowed to make an election as provided in this act.

G. A school district shall have the option of providing a flexible benefit allowance to the superintendent of that school district in an amount not more than the amount of the flexible benefit allowance established for certified personnel in subsection B of this section. Funding for the flexible benefit allowance for a superintendent shall be provided through local revenue.

SECTION 4. This act shall become effective July 1, 2001.

SECTION 5. 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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