

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3228

By: Key

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5
6 AS INTRODUCED

7 An Act relating to employment discrimination;
8 requiring plaintiff to attach certain affidavit in
9 civil action for wrongful discharge; stating
10 requirements of affidavit; stating requirements of
11 petition; providing for extension of time to file
12 affidavit; providing for dismissal of action;
13 providing for codification; and providing an
14 effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 1314 of Title 25, unless there
18 is created a duplication in numbering, reads as follows:

19 A. 1. In any action, based upon a claim of wrongful discharge
20 pursuant to Section 1313 of Title 25 of the Oklahoma Statutes, the
21 discharged employee shall file within sixty (60) days of filing the
22 petition an affidavit attesting that:

- 23 a. the discharged employee has made reasonable efforts to
24 determine if, on the date of the discharge in
question, the employing entity was currently enrolled

1 in and using a Status Verification System, as defined
2 in Section 1312 of Title 25 of the Oklahoma Statutes,

3 b. the discharged employee has determined that based upon
4 a review of the pertinent records, facts or other
5 relevant material, a reasonable interpretation of the
6 facts supports a finding of liability of the employing
7 entity against whom the action is brought, and

8 c. on the basis of the review of the pertinent records,
9 facts or other relevant material, the discharged
10 employee has concluded that the claim is meritorious
11 and based on good cause.

12 2. If the civil action is filed:

13 a. without an affidavit being attached to the petition as
14 required in paragraph 1 of this subsection, and

15 b. no extension of time is subsequently granted by the
16 court pursuant to subsection B of this section,

17 the court shall, upon motion of the employing entity, dismiss the
18 action.

19 3. In addition to the requirements set forth in the Oklahoma
20 Pleading Code, the petition shall state the acts or omissions of the
21 employing entity that the discharged employee believes establish
22 liability and shall include reasons explaining why the acts or
23 omissions of the employing entity establish such liability.

1 B. 1. The court may, upon application of the discharged
2 employee for good cause shown, grant the discharged employee an
3 extension of time, not exceeding ninety (90) days after the date the
4 petition is filed, to file in the action an affidavit attesting that
5 the discharged employee has made reasonable efforts to determine if,
6 on the date of the discharge in question, the employing entity was
7 currently enrolled in and using a Status Verification System as
8 described in paragraph 1 of subsection A of this section.

9 2. If, on the expiration of an extension period described in
10 paragraph 1 of this subsection, the discharged employee has failed
11 to file in the action an affidavit as described in paragraph 1 of
12 this subsection, the court shall, upon motion of the employing
13 entity, unless good cause is shown for the failure, dismiss the
14 action without prejudice to its refiling.

15 SECTION 2. This act shall become effective November 1, 2008.

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