

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1384

By: McDaniel (Randy)

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5  
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2001,  
8 Sections 2-405, as last amended by Section 6, Chapter  
176, O.S.L. 2006, 2-418, 2-606, as amended by Section  
9 5, Chapter 102, O.S.L. 2004, 2-723, 3-106, as last  
10 amended by Section 7, Chapter 354, O.S.L. 2007, 3-  
806, as amended by Section 12, Chapter 354, O.S.L.  
11 2007 and 4-508, as last amended by Section 15,  
Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008,  
12 Sections 2-405, 2-606, 3-106, 3-806 and 4-508), which  
relate to the Employee Security Act of 1980;  
13 modifying good cause for voluntarily leaving work;  
modifying disqualification to receive benefits;  
14 modifying the duties of the Board of Review on  
appeal; modifying overpayments, restitution, offset,  
15 and recoupment; modifying relief from benefit wages  
charged; modifying payment in lieu of contributions;  
16 modifying information to be kept confidential; and  
providing an effective date.

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

20 SECTION 1. AMENDATORY 40 O.S. 2001, Section 2-405, as  
21 last amended by Section 6, Chapter 176, O.S.L. 2006 (40 O.S. Supp.  
22 2008, Section 2-405), is amended to read as follows:

23 Section 2-405. DETERMINING GOOD CAUSE.  
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1 Good cause for voluntarily leaving work under Section 2-404 of  
2 this title may include, among other factors, the following:

3 1. A job working condition that had changed to such a degree it  
4 was so harmful, detrimental, or adverse to the individual's health,  
5 safety, or morals, that leaving the work was justified;

6 2. If the claimant, pursuant to an option provided under a  
7 collective bargaining agreement or written employer plan which  
8 permits waiver of his or her right to retain the employment when  
9 there is a layoff, has elected to be separated and the employer has  
10 consented thereto;

11 3. If the claimant was separated from employment with the  
12 employer because a physician diagnosed or treated a medically  
13 verifiable illness or medical condition of the claimant or the minor  
14 child of the claimant, and based on available information, the  
15 Oklahoma Employment Security Commission finds that it was medically  
16 necessary for the claimant to stop working or change occupations;

17 4. If the spouse of the claimant was transferred or obtained  
18 employment in another city or state, and the family is required to  
19 move to the location of that job that is outside of commuting  
20 distance from the prior employment of the claimant, and the claimant  
21 separates from employment in order to move to the new employment  
22 location of the spouse. As used in this paragraph, "commuting  
23 distance" means a radius of fifty (50) miles from the prior work  
24 location of the claimant; ~~or~~

1 5. If the claimant separated from employment as part of a plan  
2 to escape domestic violence or abuse; or

3 6. If the claimant separated from employment to move with the  
4 claimant's spouse to a new location, and if the spouse of the  
5 claimant:

6 a. was a member of the U.S. Military, the U.S. Military  
7 Reserve, or the National Guard,

8 b. was on active duty within ninety (90) days of the date  
9 of discharge,

10 c. was discharged under honorable conditions from the  
11 military service, and

12 d. takes up residence at a location more than fifty (50)  
13 miles away from the claimant's former employer for the  
14 purpose of reentering civilian life.

15 SECTION 2. AMENDATORY 40 O.S. 2001, Section 2-418, is  
16 amended to read as follows:

17 Section 2-418. SEEK AND ACCEPT WORK - INDEFINITE

18 DISQUALIFICATION. A. An individual shall be disqualified to  
19 receive benefits for the full period of unemployment next ensuing  
20 after the individual shall have failed to do any of the following:

21 1. Accept an offer of work from an employer including any  
22 former employer;

23 2. Apply for or accept work when so directed by the Employment  
24 Office of the Commission; or

1           3. Accept employment pursuant to a hiring hall agreement when  
2 so offered.

3 Such disqualification shall continue until the individual has become  
4 reemployed and has earned wages equal to or in excess of ten (10)  
5 times his or her weekly benefit amount.

6           B. Any individual who shall have failed in any of the  
7 requirements of subsection A of this section due to illness, death  
8 of a family member or other extenuating circumstance beyond his or  
9 her control shall be disqualified for regular benefits under this  
10 section only for the week of the occurrence of such circumstance  
11 beyond his or her control. ~~Any individual who is disqualified under  
12 this subsection only for the week of the occurrence of such  
13 circumstance beyond his or her control shall not thereafter be or  
14 become eligible for extended benefits for the purposes of Sections  
15 2-701 through 2-724 of Title 40 of the Oklahoma Statutes until such  
16 individual has become reemployed and has earned wages equal to at  
17 least ten times his or her weekly benefit amount.~~

18           SECTION 3.           AMENDATORY           40 O.S. 2001, Section 2-606, as  
19 amended by Section 5, Chapter 102, O.S.L. 2004 (40 O.S. Supp. 2008,  
20 Section 2-606), is amended to read as follows:

21           Section 2-606. The Board of Review shall review the record of  
22 an appeal filed by any of the parties entitled to notice on a  
23 determination of an appeal tribunal referee. An appeal to the Board  
24 of Review may be filed in any manner allowed by Section 1-224 of

1 this title. On ~~such further~~ appeal, the Board of Review may affirm,  
2 modify ~~or~~, reverse, or remand any decision of an appeal tribunal  
3 referee on the basis of evidence previously submitted, or on the  
4 basis of additional evidence as it may adduce, or, at its direction,  
5 received by an appeal tribunal referee. The Board of Review may  
6 conduct a formal hearing upon a request of a party or on its own  
7 motion. Any formal hearing shall be conducted by one or more  
8 members of the Board of Review as it may determine or by a hearing  
9 officer designated by the Board of Review. The Board of Review  
10 shall promptly notify the parties of its findings and decision, and  
11 such decision shall be final unless within ten (10) days after the  
12 mailing of notice thereof to the parties' last-known addresses, a  
13 proceeding for judicial review is initiated.

14 SECTION 4. AMENDATORY 40 O.S. 2001, Section 2-723, is  
15 amended to read as follows:

16 Section 2-723. OVERPAYMENTS - RESTITUTION, OFFSET and  
17 RECOUPMENT. The provisions of this act applicable to recovery of  
18 overpayments, including restitution ~~and~~, offset, and recoupment  
19 shall apply to overpayments of extended benefits. If there is  
20 recovery of extended benefits, that proportion of the amount  
21 restored or offset which represents the federal share of the  
22 original payments shall be restored to the appropriate federal  
23 account.

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1 SECTION 5. AMENDATORY 40 O.S. 2001, Section 3-106, as  
2 last amended by Section 7, Chapter 354, O.S.L. 2007 (40 O.S. Supp.  
3 2008, Section 3-106), is amended to read as follows:

4 Section 3-106. BENEFIT WAGES CHARGED AND RELIEF THEREFROM.

5 A. The Oklahoma Employment Security Commission shall give  
6 notice to each base period employer of a claimant promptly after the  
7 claimant is issued his or her fifth week of benefits by the  
8 Commission or promptly after the Commission receives notice of the  
9 amounts paid as benefits by another state under a reciprocal  
10 arrangement. Notice shall be deemed given under this subsection  
11 when the Commission deposits the same with the United States Postal  
12 Service addressed to the employer at an address designated by the  
13 employer to receive the notice or at the employer's last-known  
14 address. Notice shall be presumed prima facie to have been given to  
15 the employer to whom addressed on the date stated in the written  
16 notice. This notice shall give the name and Social Security Number  
17 of the claimant, the date the claim was filed, and the amount of  
18 benefit wages charged to the employer in each quarter of the base  
19 period.

20 B. Within twenty (20) days from the date stated upon the notice  
21 provided for in subsection A of this section, the employer may file  
22 with the Commission written objections to being charged with the  
23 benefit wages upon one or more of the grounds for objection set  
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1 | forth in subsection G of this section. The employer's written  
2 | objection must set forth specifically:

3 | 1. The date on which the employment was terminated;

4 | 2. Full particulars as to the circumstances of the termination  
5 | including the reason given by the individual for voluntarily leaving  
6 | the employment, or the nature of the misconduct for which  
7 | discharged, as the case may be;

8 | 3. Full particulars as to the regular scheduled part-time or  
9 | full-time employment of the employee including the starting date,  
10 | and ending date if any, of the continuous period of such part-time  
11 | or full-time employment; and

12 | 4. Such other information as called for by the notice.

13 | C. Upon receipt of the employer's written objections, the  
14 | Commission shall make a determination as to whether or not the  
15 | employer is entitled to be relieved from the charging of benefit  
16 | wages. The Commission shall promptly notify the employer of that  
17 | determination. Provided further, the twenty-day time period for  
18 | filing written objections with the Commission as provided for in  
19 | subsection B of this section may be waived for good cause shown.

20 | D. Within fourteen (14) days after the mailing of the  
21 | determination provided for in subsection C of this section, the  
22 | employer may file with the Commission or its representative a  
23 | written protest to the determination and request an oral hearing de  
24 | novo to present evidence in support of its protest. The Commission

1 or its representative shall, by written notice, advise the employer  
2 of the date of the hearing, which shall not be less than ten (10)  
3 days from the date of mailing of the written notice. At the  
4 discretion of the Commission, this hearing shall be conducted by the  
5 Commission or its representative appointed by the Commission for  
6 this purpose. Pursuant to the hearing, the Commission or its  
7 representative shall, as soon as practicable, make a written order  
8 setting forth its findings of fact and conclusions of law, and shall  
9 send it to the employer.

10 E. If any employer fails to file a written protest within the  
11 period of fourteen (14) days, as provided by subsection D of this  
12 section, then the determination shall be final, and no appeal shall  
13 thereafter be allowed.

14 F. The employer or the Commission may appeal the order of the  
15 Commission or its representative to the district court by filing a  
16 petition for review with the clerk of that court within thirty (30)  
17 days after the date the order was mailed to all parties. The  
18 mailing date shall be specifically stated in the order.

19 G. The benefit wages charged to an employer for a given  
20 calendar year shall be the total of the benefit wages stated in the  
21 notices given to the employer by the Commission. Provided, that an  
22 employer shall be relieved of a benefit wage charge if the employer  
23 proves to the satisfaction of the Commission that the benefit wage  
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1 charge includes wages paid by the employer to any employee or former  
2 employee, who:

3 1. Left employment with that employer, or with his or her last  
4 employer, voluntarily without good cause connected to the work;

5 2. Was discharged from such employment for misconduct connected  
6 with his or her work;

7 3. Was a regular scheduled employee of that employer prior to  
8 the week the employee separated from other employment, and continued  
9 to work for the employer through the fifth compensable week of  
10 unemployment in his or her established benefit year;

11 4. Was separated from his or her employment as a direct result  
12 of a major natural disaster, declared as such by the President  
13 pursuant to the Disaster Relief Act of 1974, P.L. 93-288, and such  
14 employee would have been entitled to disaster unemployment  
15 assistance if he or she had not received unemployment insurance  
16 benefits;

17 5. Was separated from employment with that employer due to a  
18 medically verifiable illness or medical condition of the employee or  
19 the minor child of the employee;

20 6. Was discharged by an employer for unsatisfactory performance  
21 during an initial employment probationary period. As used in this  
22 paragraph, "probationary period" means a period of time set forth in  
23 an established probationary plan which applies to all employees or a  
24 specific group of employees and does not exceed ninety (90) calendar

1 days from the first day a new employee begins work. The employee  
2 must be informed of the probationary period within the first seven  
3 (7) work days. There must be conclusive evidence to establish that  
4 the individual was separated due to unsatisfactory work performance  
5 and not separated because of lack of work due to temporary,  
6 seasonal, casual, or other similar employment not of regular,  
7 permanent, and year-round nature;

8 7. Was separated from employment because the spouse of the  
9 employee was transferred or obtained employment in another city or  
10 state that required the family of the employee to move, and the  
11 employee quit current employment to move with the spouse;

12 8. Left employment with that employer as part of a plan to  
13 escape domestic violence or abuse; ~~or~~

14 9. Left employment to attend training approved under the Trade  
15 Act of 1974 and is allowed unemployment benefits pursuant to Section  
16 2-416 of this title;

17 10. Left employment to move with the spouse who was discharged  
18 under honorable conditions from the military pursuant to  
19 subparagraph b of paragraph 6 of Section 2-405 of this title; or

20 11. Was separated from employment because the employee was  
21 arrested by a law enforcement official and held, detained, or  
22 incarcerated at the order or direction of a law enforcement official  
23 or agency and the employee is ultimately found guilty or pleads  
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1 guilty or nolo contendere to the criminal charges made against the  
2 employee as a result of the arrest.

3 H. If an employer recalls an employee deemed unemployed as  
4 defined by the Employment Security Act of 1980 and the employee  
5 continues to be employed or the employee voluntarily terminates  
6 employment or is discharged for misconduct within the benefit year,  
7 the employer shall be entitled to have the benefit wage charged  
8 against the employer's experience rating for the employee reduced by  
9 the ratio of the number of weeks of remaining eligibility of the  
10 employee to the total number of weeks of entitlement.

11 I. An employer shall not be charged with benefit wages of a  
12 laid-off employee if the employer lists as an objection in a  
13 statement filed in accordance with subsection B of this section that  
14 said employee collecting benefits was hired to replace a United  
15 States serviceman or servicewoman called into active duty and laid-  
16 off upon the return to work by that serviceman or servicewoman. The  
17 Unemployment Compensation Fund shall be charged with the benefit  
18 wages of the laid-off employee.

19 J. If the Commission receives a notice of amounts paid as  
20 benefits by another state under a reciprocal agreement, and the  
21 notice is received after three (3) years from the effective date of  
22 the underlying benefit claim, no benefit wage charge will be made  
23 against the employer identified in the notice, or if a benefit wage  
24 charge is made based on such a notice, the employer will be relieved

1 of the charge when the facts are brought to the attention of the  
2 Commission.

3 SECTION 6. AMENDATORY 40 O.S. 2001, Section 3-806, as  
4 amended by Section 12, Chapter 354, O.S.L. 2007 (40 O.S. Supp. 2008,  
5 Section 3-806), is amended to read as follows:

6 Section 3-806. PAYMENT OF IN-LIEU CONTRIBUTIONS.

7 A. At the end of each calendar quarter the Oklahoma Employment  
8 Security Commission shall notify in writing each nonprofit  
9 organization, or the agent of a group of ~~such~~ nonprofit  
10 organizations, which has elected to make payments in lieu of  
11 contributions, the amount, if any, equal to the full amount of  
12 regular benefits plus one-half (1/2) of the amount of extended  
13 benefits paid by the Commission during ~~such~~ the quarter that is  
14 attributable to service in the employ of ~~such~~ the organization or  
15 the members of a group of ~~such~~ organizations. ~~Such~~ The full amount  
16 shall include all amounts ~~so~~ paid ~~to its former employees~~ as  
17 benefits that are attributable to base period wages paid by the  
18 organization, including any benefit amounts paid in error. ~~Such~~ The  
19 notification shall be deemed and treated as an assessment of  
20 contributions and the payment of the amount owing shall be collected  
21 as contributions, interest, penalty and fees, if any, are collected,  
22 in accordance with the provisions of the Employment Security Act of  
23 1980. The employer, or group of employers, shall have the rights  
24 and remedies provided by the Employment Security Act of 1980 with

1 respect to assessments of contributions, including the right of  
2 protest, hearing and appeal. The Commission shall make its  
3 assessment or amend its assessment within three (3) years of the  
4 ending date of the calendar quarter to which the assessment or  
5 amendment applies. If no protest is filed or if filed and confirmed  
6 by the Commission or its authorized representatives, said assessment  
7 shall be immediately due and payable and shall bear interest after  
8 forty-five (45) days at the rate of one percent (1%) per month until  
9 paid. If any nonprofit organization or group of organizations fails  
10 or refuses to pay said assessment after same has become delinquent  
11 within forty-five (45) days after written request has been mailed to  
12 ~~such~~ the organization or the agent of ~~such~~ the group by the  
13 Commission or its representative, a penalty of five percent (5%) of  
14 the amount due shall be added thereto, collected and paid. In the  
15 case of group accounts, assessments and penalty and interest  
16 provided in this subsection may be prorated in accordance with  
17 Section 3-809 of this title. All collections made shall be  
18 deposited in the Unemployment Compensation Fund.

19 B. ~~Such~~ The electing organization, or group of organizations,  
20 shall file reports of wages paid, in the same time and manner as  
21 required of said nongovernmental employers for profit. If any ~~such~~  
22 electing organization, or group of organizations, fails or refuses  
23 to file said wage report within fifteen (15) days after written  
24 notice a penalty of Ten Dollars (\$10.00) for each day until ~~such~~ the

1 report is filed with a maximum of One Hundred Dollars (\$100.00) is  
2 hereby imposed against ~~such~~ the organization or group and shall be  
3 collected and paid.

4 C. Payments made by any nonprofit organization under the  
5 provisions of this section shall not be deducted or deductible, in  
6 whole or in part, from the remuneration of individuals in the employ  
7 of the organization.

8 SECTION 7. AMENDATORY 40 O.S. 2001, Section 4-508, as  
9 last amended by Section 15, Chapter 354, O.S.L. 2007 (40 O.S. Supp.  
10 2008, Section 4-508), is amended to read as follows:

11 Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL -  
12 DISCLOSURE.

13 A. Except as otherwise provided by law, information obtained  
14 from any employing unit or individual pursuant to the administration  
15 of the Employment Security Act of 1980, and determinations as to the  
16 benefit rights of any individual shall be kept confidential and  
17 shall not be disclosed or be open to public inspection in any manner  
18 revealing the individual's or employing unit's identity. Any  
19 claimant or employer or agent of such person as authorized in  
20 writing shall be supplied with information from the records of the  
21 Oklahoma Employment Security Commission, to the extent necessary for  
22 the proper presentation of the claim or complaint in any proceeding  
23 under the Employment Security Act of 1980, with respect thereto.

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1        B. Upon receipt of written request by any employer who  
2 maintains a Supplemental Unemployment Benefit (SUB) Plan, the  
3 Commission or its designated representative may release to such  
4 employer information regarding weekly benefit amounts paid its  
5 workers during a specified temporary layoff period, provided such  
6 Supplemental Unemployment Benefit (SUB) Plan requires benefit  
7 payment information before Supplemental Unemployment Benefits can be  
8 paid to such workers. Any information disclosed under this  
9 provision shall be utilized solely for the purpose outlined herein  
10 and shall be held strictly confidential by the employer.

11        C. The provisions of this section shall not prevent the  
12 Commission from disclosing the following information and no  
13 liability whatsoever, civil or criminal, shall attach to any member  
14 of the Commission or any employee thereof for any error or omission  
15 in the disclosure of such information:

16            1. The delivery to taxpayer or claimant a copy of any report or  
17 other paper filed by the taxpayer or claimant pursuant to the  
18 Employment Security Act of 1980;

19            2. The disclosure of information to any person for a purpose as  
20 authorized by the taxpayer or claimant pursuant to a waiver of  
21 confidentiality. The waiver shall be in writing and shall be  
22 notarized;

23            3. The Oklahoma Department of Commerce may have access to data  
24 obtained pursuant to the Employment Security Act of 1980 pursuant to

1 rules promulgated by the Commission. The information obtained shall  
2 be held confidential by the Department and any of its agents and  
3 shall not be disclosed or be open to public inspection. The  
4 Oklahoma Department of Commerce, however, may release aggregated  
5 data, either by industry or county, provided that such aggregation  
6 meets disclosure requirements of the Commission;

7 4. The publication of statistics so classified as to prevent  
8 the identification of a particular report and the items thereof;

9 5. The disclosing of information or evidence to the Attorney  
10 General or any district attorney when the information or evidence is  
11 to be used by the officials or other parties to the proceedings to  
12 prosecute or defend allegations of violations of the Employment  
13 Security Act of 1980. The information disclosed to the Attorney  
14 General or any district attorney shall be kept confidential by them  
15 and not be disclosed except when presented to a court in a  
16 prosecution of a violation of Section 1-101 et seq. of this title,  
17 and a violation by the Attorney General or district attorney by  
18 otherwise releasing the information shall be a felony;

19 6. The furnishing, at the discretion of the Commission, of any  
20 information disclosed by the records or files to any official person  
21 or body of this state, any other state or of the United States who  
22 is concerned with the administration of assessment of any similar  
23 tax in this state, any other state or the United States;

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1           7. The furnishing of information to other state agencies for  
2 the limited purpose of aiding in the collection of debts owed by  
3 individuals to the requesting agencies;

4           8. The release to employees of the Department of Transportation  
5 of information required for use in federally mandated regional  
6 transportation planning, which is performed as a part of its  
7 official duties;

8           9. The release to employees of the State Treasurer's office of  
9 information required to verify or evaluate the effectiveness of the  
10 Oklahoma Small Business Linked Deposit Program on job creation;

11          10. The release to employees of the Attorney General, the State  
12 Insurance Fund, the Department of Labor, the Workers' Compensation  
13 Court, and the Insurance Department for use in investigation of  
14 workers' compensation fraud;

15          11. The release to employees of the Oklahoma State Bureau of  
16 Investigation or release to employees of the Oklahoma State Bureau  
17 of Narcotics and Dangerous Drugs Control for use in criminal  
18 investigations and the location of missing persons or fugitives from  
19 justice;

20          12. The release to employees of the Center of International  
21 Trade, Oklahoma State University, of information required for the  
22 development of International Trade for employers doing business in  
23 the State of Oklahoma;

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1 13. The release to employees of the Oklahoma State Regents for  
2 Higher Education of information required for use in the default  
3 prevention efforts and/or collection of defaulted student loans  
4 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any  
5 information disclosed under this provision shall be utilized solely  
6 for the purpose outlined herein and shall be held strictly  
7 confidential by the Oklahoma State Regents for Higher Education;

8 14. The release to employees of the Center for Economic and  
9 Management Research of the University of Oklahoma, of information  
10 required to identify economic trends. The information obtained  
11 shall be kept confidential by the University and shall not be  
12 disclosed or be open to public inspection. The University of  
13 Oklahoma may release aggregated data, provided that such aggregation  
14 meets disclosure requirements of the Commission;

15 15. The release to employees of the Office of State Finance of  
16 information required to identify economic trends. The information  
17 obtained shall be kept confidential by the Office of State Finance  
18 and shall not be disclosed or be open to public inspection. The  
19 Office of State Finance may release aggregate data, provided that  
20 such aggregation meets disclosure requirements of the Commission;

21 16. The release to employees of the Department of Mental Health  
22 and Substance Abuse Services of information required to evaluate the  
23 effectiveness of mental health and substance abuse treatment and  
24 state or local programs utilized to divert persons from inpatient

1 treatment. The information obtained shall be kept confidential by  
2 the Department and shall not be disclosed or be open to public  
3 inspection. The Department of Mental Health and Substance Abuse  
4 Services, however, may release aggregated data, either by treatment  
5 facility, program or larger aggregate units, provided that such  
6 aggregation meets disclosure requirements of the Oklahoma Employment  
7 Security Commission;

8 17. The release to employees of the Attorney General, the  
9 Oklahoma State Bureau of Investigation, and the Insurance Department  
10 for use in the investigation of insurance fraud and health care  
11 fraud;

12 18. The release to employees of public housing agencies for  
13 purposes of determining eligibility pursuant to 42 U.S.C., Section  
14 503(i);

15 19. The release of wage and benefit claim information, at the  
16 discretion of the Commission, to an agency of this state or its  
17 political subdivisions, or any nonprofit corporation that operates a  
18 program or activity designated as a partner in the Workforce  
19 Investment Act One-Stop delivery system pursuant to 29 U.S.C.A.,  
20 Section 2481 (b), based on a showing of need made to the Commission  
21 and after an agreement concerning the release of information is  
22 entered into with the entity receiving the information;

23 20. The release of information to the wage record interchange  
24 system, at the discretion of the Commission;

1 21. The release of information to the Bureau of the Census of  
2 the U.S. Department of Commerce for the purpose of economic and  
3 statistical research;

4 22. The release of employer tax information and benefit claim  
5 information to the Oklahoma Health Care Authority for use in  
6 determining eligibility for a program that will provide subsidies  
7 for health insurance premiums for qualified employers, employees,  
8 self-employed persons, and unemployed persons;

9 23. The release of employer tax information and benefit claim  
10 information to the State Department of Rehabilitation Services for  
11 use in assessing results and outcomes of clients served; ~~or~~

12 24. The release of information to any state or federal law  
13 enforcement authority when necessary in the investigation of any  
14 crime in which the Commission is a victim. Information that is  
15 confidential under this section shall be held confidential by the  
16 law enforcement authority unless and until it is required for use in  
17 court in the prosecution of a defendant in a criminal prosecution;

18 25. The release of information to employees of the Southwestern  
19 Oklahoma State University School of Business pursuant to an  
20 agreement entered into between the University and the Commission.  
21 The information released shall be kept confidential by the  
22 University and shall not be disclosed or be opened to public  
23 inspection. Southwestern Oklahoma State University may release  
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1 aggregated data, provided that the aggregation meets disclosure  
2 requirements of the Commission; or

3 26. The release of information to any financial institution the  
4 Commission contracts with to provide for the issuance of debit cards  
5 or to conduct automatic or electronic deposits of funds, for the  
6 purpose of paying unemployment insurance benefits or for the refund  
7 of tax payments.

8 D. Subpoenas to compel disclosure of information made  
9 confidential by this statute shall not be valid, except for  
10 administrative subpoenas issued by federal, state, or local  
11 governmental agencies that have been granted subpoena power by  
12 statute or ordinance. Confidential information maintained by the  
13 Commission can be obtained by order of a court of record that  
14 authorizes the release of the records in writing. All  
15 administrative subpoenas or court orders for production of documents  
16 must provide a minimum of twenty (20) days from the date it is  
17 served for the Commission to produce the documents. If the date on  
18 which production of the documents is required is less than twenty  
19 (20) days from the date of service, the subpoena or order shall be  
20 considered void on its face as an undue burden or hardship on the  
21 Commission.

22 E. Should any of the disclosures provided for in this section  
23 require more than casual or incidental staff time, the Commission  
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1 ~~may~~ shall charge the cost of such staff time to the party requesting  
2 the information.

3 F. It is further provided that the provisions of this section  
4 shall be strictly interpreted and shall not be construed as  
5 permitting the disclosure of any other information contained in the  
6 records and files of the Commission.

7 SECTION 8. This act shall become effective November 1, 2009.

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9 52-1-5883 LRB 01/08/09

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