

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2532

By: Casey

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5
6 AS INTRODUCED

7 An Act relating to schools; amending 70 O.S. 2011,
8 Section 26-105, which relates to the Larry Dickerson
9 Education Flexible Benefits Allowance Act; deleting
10 requirement to provide participating employees any
11 excess flexible benefit allowance as taxable
12 compensation; providing an effective date; and
13 declaring an emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 26-105, is
16 amended to read as follows:

17 Section 26-105. A. The flexible benefit allowance shall be
18 used by a school district employee who is participating in the
19 cafeteria plan to purchase major medical health care plan coverage
20 offered by the school district through a cafeteria plan. Any excess
21 flexible benefit allowance over the cost of the major medical
22 coverage purchased by the employee who is participating in the
23 cafeteria plan may be used to purchase any of the additional
24 benefits offered by the school district or may be taken as taxable
compensation as provided in subsection C of this section. Certified

1 personnel who choose not to participate in the school-district-
2 sponsored cafeteria plan shall receive Sixty-nine Dollars and
3 seventy-one cents (\$69.71) per month as taxable compensation in lieu
4 of the flexible benefit allowance amount provided in subsection B of
5 this section. Support personnel who choose not to participate in
6 the school-district-sponsored cafeteria plan shall receive One
7 Hundred Eighty-nine Dollars and sixty-nine cents (\$189.69) per month
8 as taxable compensation in lieu of the flexible benefit allowance
9 amount provided in subsection B of this section.

10 B. Each eligible school district employee shall be credited
11 annually with a specified amount as a flexible benefit allowance
12 which shall be available for the purchase of benefits. The amount
13 of the flexible benefit allowance credited to each eligible school
14 district employee shall be communicated to the employee prior to the
15 enrollment period for each plan year.

16 1. For the fiscal year ending June 30, 2002, the flexible
17 benefit allowance amount for certified personnel shall be no less
18 than Sixty-nine Dollars and seventy-one cents (\$69.71) per month.
19 For the fiscal year ending June 30, 2002, the flexible benefit
20 allowance amount for support personnel shall be no less than One
21 Hundred Eighty-nine Dollars and sixty-nine cents (\$189.69) per
22 month.

23 2. For the fiscal year ending June 30, 2004, the flexible
24 benefit allowance amount for certified personnel shall be no less

1 than fifty-eight percent (58%) of the premium amount for the
2 HealthChoice (Hi) option plan for an individual offered by the State
3 and Education Employees Group Insurance Board. For the fiscal year
4 ending June 30, 2003, and each fiscal year thereafter, the flexible
5 benefit allowance amount for support personnel shall be no less than
6 one hundred percent (100%) of the premium amount for the
7 HealthChoice (Hi) option plan for an individual offered by the State
8 and Education Employees Group Insurance Board.

9 3. For the fiscal year ending June 30, 2005, and each fiscal
10 year thereafter, the flexible benefit allowance amount for certified
11 personnel shall be no less than one hundred percent (100%) of the
12 premium amount for the HealthChoice (Hi) option plan for an
13 individual offered by the State and Education Employees Group
14 Insurance Board.

15 C. ~~If a school district employee who is participating in the~~
16 ~~cafeteria plan elects benefits whose sum total is less than the~~
17 ~~flexible benefit allowance, the employee shall receive any excess~~
18 ~~flexible benefit allowance as taxable compensation. Such taxable~~
19 ~~compensation shall be paid in substantially equal amounts each pay~~
20 ~~period over the plan year. Except as otherwise provided for in~~
21 ~~subsection D of this section, on termination during a plan year, a~~
22 ~~participating school district employee shall have no right to~~
23 ~~receive any taxable cash compensation allocated to the portion of~~
24 ~~the plan year after the termination of the employee.~~

1 ~~D.~~ In cases where the employee of a school district fulfills
2 the terms of their contract and terminates employment for the
3 subsequent year, the employee shall be entitled to the flexible
4 benefit allowance for the remainder of the current benefit term.
5 For purposes of this subsection, "benefit term" shall mean the
6 twelve-month period after the initiation of benefits for the
7 position held by the employee.

8 ~~E.~~ D. Each school district employee shall make an annual
9 election of benefits under the plan during an enrollment period to
10 be held prior to the beginning of each plan year. The enrollment
11 period dates will be determined annually and will be announced by
12 the school district, providing the enrollment period shall end no
13 later than thirty (30) days before the beginning of the plan year.
14 Each school district employee shall make an irrevocable advance
15 election for the plan year or the remainder of the plan year
16 pursuant to procedures the school district shall prescribe.

17 ~~F.~~ E. The school district shall prescribe the forms that school
18 district employees shall be required to use in making their
19 elections, and may prescribe deadlines and other procedures for
20 filing the elections.

21 ~~G.~~ F. School district employees hired after the closing of the
22 enrollment period shall be allowed to make an election as provided
23 in this act.
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1 ~~H.~~ G. A district board of education shall have the option of
2 providing a flexible benefit allowance to the superintendent of the
3 school district in an amount not more than the amount of the
4 flexible benefit allowance established for certified personnel in
5 subsection B of this section. Funding for the flexible benefit
6 allowance for a superintendent shall be provided through local
7 revenue.

8 SECTION 2. This act shall become effective July 1, 2016.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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14 55-2-8375 KB 12/30/15
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