

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3657 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Mark Tedford

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3657

By: Tedford

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to labor; amending 40 O.S. 2021, Section 1-210, which relates to employment definitions; modifying payment references for certain agricultural services; amending 40 O.S. 2021, Section 4-508, as amended by Section 22, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2025, Section 4-508), which relates to confidential records; granting the Oklahoma Workforce Commission access to certain data; requiring information obtained to be kept confidential; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2021, Section 1-210, is amended to read as follows:

Section 1-210. EMPLOYMENT.

"Employment" means:

(1) Any service, including service in interstate commerce, performed by:

1 (a) any officer of a corporation; or

2 (b) any individual who, under the usual common-law rules
3 applicable in determining the employer-employee
4 relationship, as provided in paragraph (14) of this
5 section, has the status of an employee.

6 (2) (a) any service, including service in interstate commerce,
7 performed by any individual other than an individual
8 who is an employee under paragraph (1) of this section
9 who performs services for remuneration for any person:

10 (i) as an agent-driver or commission-driver engaged
11 in distributing meat products, vegetable
12 products, fruit products, bakery products,
13 beverages other than milk, or laundry or dry
14 cleaning services, for the individual's
15 principal; or

16 (ii) as a traveling or city salesperson, other than as
17 an agent-driver or commission-driver, engaged
18 upon a full-time basis in the solicitation on
19 behalf of, and the transmission to, an
20 individual's principal, except for sideline sales
21 activities on behalf of some other person, of
22 orders from wholesalers, retailers, contractors
23 or operators of hotels, restaurants or other
24

1 similar establishments for merchandise for resale
2 or supplies for use in their business operations;

3 (b) provided, the term "employment" shall include services
4 described in divisions (i) and (ii) of subparagraph
5 (a) of this paragraph if:

6 (i) the contract of service contemplates that
7 substantially all of the services are to be
8 performed personally by such individual;

9 (ii) the individual does not have a substantial
10 investment in facilities used in connection with
11 the performance of the services, other than in
12 facilities for transportation; and

13 (iii) the services are not in the nature of a single
14 transaction that is not part of a continuing
15 relationship with the person for whom the
16 services are performed.

17 (3) Service performed in the employ of this state or any of its
18 instrumentalities or any political subdivision thereof or any of its
19 instrumentalities or any instrumentality of more than one of the
20 foregoing or any instrumentality of any of the foregoing and one or
21 more other states or political subdivisions; provided, that such
22 service is excluded from "employment" as defined in the Federal
23 Unemployment Tax Act, 26 U.S.C., Section 3306(c)(7), and is not
24 excluded from "employment" under paragraph (7) of this section.

1 (4) Service performed by an individual in the employ of a
2 community chest, fund, foundation or corporation, organized and
3 operated exclusively for religious, charitable, scientific, testing
4 for public safety, literary or educational purposes, or for the
5 prevention of cruelty to children or animals, no part of the net
6 earnings of which inures to the benefit of any private shareholder
7 or individual, no substantial part of the activities of which is
8 carrying on propaganda, or otherwise attempting to influence
9 legislation and which does not participate in, or intervene in,
10 including the publishing or distributing of statements, any
11 political campaign on behalf of any candidate for public office;
12 provided that such organization had four or more individuals in
13 employment for some portion of a day in each of twenty (20)
14 different weeks, whether or not such weeks were consecutive, within
15 either the calendar year or preceding calendar year, regardless of
16 whether they were employed at the same moment of time.

17 (5) Service performed by an individual in agricultural labor as
18 defined in subparagraph (a) of paragraph (15) of this section when:

19 (a) the service is performed for a person who:

20 (i) during any calendar quarter in either the
21 calendar year or the preceding calendar year,
22 paid ~~remuneration in cash~~ wages of Twenty
23 Thousand Dollars (\$20,000.00) or more to
24 individuals employed in agricultural labor; or

1 (ii) for some portion of a day in each of twenty (20)
2 different calendar weeks, whether or not the
3 weeks were consecutive, in either the calendar
4 year or the preceding calendar year, employed in
5 agricultural labor ten or more individuals,
6 regardless of whether they were employed at the
7 same moment of time.

8 (b) for the purposes of this paragraph any individual who
9 is a member of a crew furnished by a crew leader to
10 perform service in agricultural labor for any other
11 person shall be treated as an employee of the crew
12 leader:

13 (i) if the crew leader holds a valid certificate of
14 registration under the Farm Labor Contractor
15 Registration Act of 1963, Public Law 95-562, 29
16 U.S.C., Sections 1801 through 1872; or
17 substantially all the members of the crew operate
18 or maintain tractors, mechanized harvesting or
19 crop-dusting equipment, or any other mechanized
20 equipment, which is provided by the crew leader;
21 and

22 (ii) if the individual is not an employee of the other
23 person within the meaning of paragraph (1) of
24

1 this section or subparagraph (d) of this
2 paragraph.

3 (c) for the purposes of this paragraph, in the case of any
4 individual who is furnished by a crew leader to
5 perform service in agricultural labor for any other
6 person and who is not treated as an employee of the
7 crew leader under subparagraph (b) of this paragraph:

8 (i) the other person and not the crew leader shall be
9 treated as the employer of the individual; and

10 (ii) the other person shall be treated as having paid
11 cash remuneration to the individual in an amount
12 equal to the amount of cash remuneration paid to
13 the individual by the crew leader, either on the
14 individual's own behalf or on behalf of the other
15 person, for the service in agricultural labor
16 performed for the other person.

17 (d) for the purposes of this paragraph, the term "crew
18 leader" means an individual who:

19 (i) furnishes individuals to perform service in
20 agricultural labor for any other person;

21 (ii) pays, either on the individual's own behalf or on
22 behalf of another person, the individuals so
23 furnished by the crew leader for the service in
24 agricultural labor performed by them; and

1 (iii) has not entered into a written agreement with the
2 other person (farm operator) under which the
3 individual is designated as an employee of the
4 other person.

5 (6) The term "employment" shall include domestic service in a
6 private home, local college club or local chapter of a college
7 fraternity or sorority performed for a person or entity who paid
8 cash remuneration of One Thousand Dollars (\$1,000.00) or more to
9 individuals employed in domestic service in any calendar quarter in
10 the calendar year or the preceding calendar year.

11 (7) For the purposes of paragraphs (3) and (4) of this section
12 the term "employment" does not apply to service performed:

13 (a) in the employ of:

14 (i) a church or convention or association of
15 churches;

16 (ii) an organization which is operated primarily for
17 religious purposes and which is operated,
18 supervised, controlled, or principally supported
19 by a church or convention or association of
20 churches; or

21 (iii) an elementary or secondary school which is
22 operated primarily for religious purposes, which
23 is described in 26 U.S.C., Section 501(c)(3), and
24

1 which is exempt from tax under 26 U.S.C., Section
2 501(a);

3 (b) by a duly ordained, commissioned or licensed minister
4 of a church in the exercise of ministry or by a member
5 of a religious order in the exercise of duties
6 required by the order;

7 (c) in the employ of a governmental entity referred to in
8 paragraph (3) of this section if the service is
9 performed by an individual in the exercise of duties:

10 (i) as an elected official;

11 (ii) as a member of a legislative body, or a member of
12 the judiciary of a state or political
13 subdivision;

14 (iii) as a member of the State National Guard or Air
15 National Guard;

16 (iv) as an employee serving on a temporary basis in
17 case of fire, storm, snow, earthquake, flood or
18 similar emergency;

19 (v) in a position which, under or pursuant to the
20 laws of this state, is designated as a major
21 nontenured policymaking or advisory position, or
22 a policymaking or advisory position the
23 performance of the duties of which ordinarily
24

1 does not require more than eight (8) hours per
2 week;

3 (vi) as an election official or election worker if the
4 amount of remuneration received by the individual
5 during the calendar year for services as an
6 election official or election worker is less than
7 One Thousand Dollars (\$1,000.00);

8 (d) by an individual who is participating or enrolled in a
9 program of an organization that provides
10 rehabilitation through work for individuals whose
11 earning capacity is impaired by age, physical or
12 mental deficiency, or injury, or a program of an
13 organization that provides work for individuals who,
14 because of their impaired mental or physical capacity
15 cannot be readily absorbed into the competitive labor
16 market; provided that the services are performed by a
17 program participant on real property owned or leased
18 directly by the organization or by a program
19 participant working under a special certificate issued
20 by the U.S. Secretary of Labor pursuant to 29 U.S.C.,
21 Section 214(c) and 29 C.F.R., Section 525.1 et seq.;

22 (e) as part of an unemployment work-relief or work-
23 training program assisted or financed in whole or in
24 part by any federal agency or an agency of a state or

1 political subdivision thereof or of an Indian tribe,
2 by an individual receiving such work-relief or work-
3 training; or

4 (f) by an inmate of a custodial or penal institution.

5 (8) The term "employment" shall include the service of an
6 individual who is a citizen of the United States, performed outside
7 the United States, except in Canada, in the employ of an American
8 employer other than service which is deemed "employment" under the
9 provisions of paragraph (11) or (12) of this section or the parallel
10 provisions of another state's law, if:

11 (a) the employer's principal place of business in the
12 United States is located in this state;

13 (b) the employer has no place of business in the United
14 States, but:

15 (i) the employer is an individual who is a resident
16 of this state;

17 (ii) the employer is a corporation which is organized
18 under the laws of this state; or

19 (iii) the employer is a partnership or a trust and the
20 number of the partners or trustees who are
21 residents of this state is greater than the
22 number who are residents of any one other state;

23 (c) none of the criteria of subparagraphs (a) and (b) of
24 this paragraph are met but the employer has elected

1 coverage in this state or, the employer having failed
2 to elect coverage in any state, the individual has
3 filed a claim for benefits, based on such service,
4 under the laws of this state;

5 (d) an "American employer", for purposes of this
6 subsection, means a person who is:

7 (i) an individual who is a resident of the United
8 States;

9 (ii) a partnership if two-thirds (2/3) or more of the
10 partners are residents of the United States;

11 (iii) a trust, if all of the trustees are residents of
12 the United States; or

13 (iv) a corporation organized under the laws of the
14 United States or of any state; and

15 (e) the term "United States", for the purposes of this
16 subsection, includes the states, the District of
17 Columbia, the Commonwealth of Puerto Rico and the
18 Virgin Islands.

19 (9) Notwithstanding paragraph (11) of this section, all service
20 performed by an officer or member of the crew of an American vessel
21 on or in connection with the vessel, if the operating office, from
22 which the operations of the vessel operating on navigable waters
23 within, or within and without, the United States are ordinarily and
24

1 regularly supervised, managed, directed and controlled is within
2 this state.

3 (10) Notwithstanding any other provisions of the Employment
4 Security Act of 1980, "employment":

5 (a) includes any service with respect to which a tax is
6 required to be paid under any federal law imposing a
7 tax against which credit may be taken for
8 contributions required to be paid into a state
9 unemployment fund; and

10 (b) includes any service which is required to be
11 "employment" for full tax credit to be allowed against
12 the tax imposed by the Federal Unemployment Tax Act of
13 1954, Public Law 591, Chapter 736, as amended, 26
14 U.S.C., Section 3301 et seq.

15 (11) The term "employment" shall include an individual's entire
16 service, performed within or both within and without this state if:

17 (a) the service is localized in this state; or

18 (b) the service is not localized in any state but some of
19 the service is performed in this state and:

20 (i) the individual's base of operations, or, if there
21 is no base of operations, then the place from
22 which the individual's employment is directed or
23 controlled is in this state; or
24

1 (ii) the individual's base of operations or place from
2 which the service is directed or controlled is
3 not in any state in which some part of the
4 service is performed but the individual's
5 residence is in this state.

6 (12) (a) Services covered by an election pursuant to Section 3-
7 203 of this title; and

8 (b) services covered by an arrangement pursuant to Section
9 4-701 et seq. of this title between the Oklahoma
10 Employment Security Commission and the agency charged
11 with the administration of any other state or federal
12 unemployment compensation law, pursuant to which all
13 services performed by an individual for an employing
14 unit are deemed to be performed entirely within this
15 state,

16 shall be deemed to be employment if the Commission has approved an
17 election of the employing unit for whom such services are performed,
18 pursuant to which the entire service of such individual during the
19 period covered by such election is deemed to be insured work.

20 (13) Service shall be deemed to be localized within a state if:

21 (a) the service is performed entirely within such state;
22 or

23 (b) the service is performed both within and without such
24 state, but the service performed without such state is

1 incidental to the individual's service within the
2 state; for example, is temporary or transitory in
3 nature or consists of isolated transactions.

4 (14) Notwithstanding any other provision of this subsection,
5 services performed by an individual for wages shall be deemed to be
6 employment subject to the Employment Security Act of 1980 if the
7 services are performed by the individual in an employer-employee
8 relationship with the employer using the 20-factor test used by the
9 Internal Revenue Service of the United States Department of Treasury
10 in Revenue Ruling 87-41, 1987-1 C.B. 296. The Oklahoma Employment
11 Security Commission shall have the exclusive authority to make a
12 determination of whether an individual is an independent contractor
13 or employee.

14 (15) The term "employment" shall not include:

15 (a) services performed by an individual in agricultural
16 labor, except as provided under paragraph (5) of this
17 section. Services performed by an individual who is a
18 nonresident alien admitted to the United States to
19 perform agricultural labor, pursuant to 8 U.S.C.,
20 Sections 1101(a), 1184(c) and 1188. For purposes of
21 this subparagraph, the term "agricultural labor" means
22 remunerated service performed in agricultural labor as
23 defined in the Federal Unemployment Tax Act, 26
24 U.S.C., Section 3306(k);

- 1 (b) domestic service, except as provided under paragraph
2 (6) of this section, in a private home, local college
3 club, or local chapter of a college fraternity or
4 sorority;
- 5 (c) service performed by an individual in the employ of
6 his or her son, daughter, or spouse, and service
7 performed by a child under the age of twenty-one (21)
8 in the employ of his or her father or mother, or both
9 father and mother;
- 10 (d) service performed in the employ of the United States
11 government or an instrumentality of the United States
12 exempt under the Constitution of the United States
13 from the contributions imposed by the Employment
14 Security Act of 1980, except that to the extent that
15 the Congress of the United States shall permit states
16 to require any instrumentalities of the United States
17 to make payments into an unemployment fund under a
18 state unemployment compensation law, all of the
19 provisions of the Employment Security Act of 1980
20 shall be applicable to such instrumentalities, and to
21 services performed for such instrumentalities, in the
22 same manner, to the same extent, and on the same terms
23 as to all other employers, employing units,
24 individuals and services; provided that if this state

1 shall not be certified for any year by the Secretary
2 of Labor of the United States under the Federal
3 Internal Revenue Code, 26 U.S.C., Section 3304(c), the
4 payments required of such instrumentalities with
5 respect to the year shall be refunded by the
6 Commission from the fund in the same manner and within
7 the same period as is provided in Section 3-304 of
8 this title with respect to contributions erroneously
9 collected;

10 (e) service with respect to which unemployment
11 compensation is payable under an unemployment
12 compensation system established by an act of Congress;

13 (f) service performed in the employ of a foreign
14 government, including service as a consul or other
15 officer or employee or a nondiplomatic representative;

16 (g) service performed in the employ of an instrumentality
17 wholly owned by a foreign government:

18 (i) if the service is of a character similar to that
19 performed in foreign countries by employees of
20 the United States government or of an
21 instrumentality thereof, and

22 (ii) if the Commission finds that the United States
23 Secretary of State has certified to the United
24 States Secretary of the Treasury that the foreign

1 government, with respect to whose instrumentality
2 exemption is claimed, grants an equivalent
3 exemption with respect to similar service
4 performed in the foreign country by employees of
5 the United States government and of
6 instrumentalities thereof;

7 (h) service covered by an arrangement between the
8 Commission and the agency charged with the
9 administration of any other state or federal
10 unemployment compensation law pursuant to which all
11 services performed by an individual for an employing
12 unit during the period covered by such employing
13 unit's duly approved election, are deemed to be
14 performed entirely within the jurisdiction of such
15 other state or federal agency;

16 (i) service performed as a student nurse in the employ of
17 a hospital or a nurses' training school by an
18 individual who is enrolled and is regularly attending
19 classes in a nurses' training school chartered or
20 approved pursuant to state law; and service performed
21 as an intern in the employ of a hospital by an
22 individual who has completed a four-year course in a
23 medical school chartered or approved pursuant to state
24 law;

1 (j) service performed by an individual for a person, firm,
2 association, trust, partnership or corporation as an
3 insurance agent, or as an insurance solicitor or as a
4 licensed real estate agent, if all such service
5 performed by such individual for such person is
6 performed for remuneration solely by way of
7 commissions or fees;

8 (k) service performed by an individual under the age of
9 eighteen (18) in the delivery and distribution of
10 newspapers or shopping news, not including delivery or
11 distribution to any point for subsequent delivery or
12 distribution, and services performed by an individual
13 eighteen (18) years of age or older who meets the
14 definition of a "direct seller" as defined in 26
15 U.S.C., Section 3508(b) (2), that states in pertinent
16 part:

17 (i) the individual must be engaged in the delivery or
18 distribution of newspapers or shopping news,
19 including any services directly related to such
20 trade or business,

21 (ii) substantially all the remuneration, whether or
22 not paid in cash, for the performance of the
23 services described in division (i) of this
24 subparagraph is directly related to sales or

1 other output, including the performance of
2 services, rather than the number of hours worked,
3 and

4 (iii) the services performed by the individual are
5 performed pursuant to a written contract between
6 the person and the person for whom the services
7 are performed and the contract provides that the
8 person will not be treated as an employee with
9 respect to the services;

10 (1) service performed in the employ of a school, college
11 or university, if the service is performed:

12 (i) by a student who is enrolled and is regularly
13 attending classes at the school, college, or
14 university, or

15 (ii) by the spouse of the student, if the spouse is
16 advised, at the time the spouse commences to
17 perform the service, that:

18 (I) the employment of the spouse to perform the
19 service is provided under a program to
20 provide financial assistance to the student
21 by the school, college, or university, and

22 (II) the employment will not be covered by any
23 program of unemployment insurance;
24

- (m) service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, except that this provision shall not apply to service performed in a program established for or on behalf of an employer or group of employers;
- (n) service performed in the employ of a hospital, if the service is performed by a patient of the hospital;
- (o) services performed by cooperative extension personnel holding federal appointments employed by state institutions of higher learning;
- (p) earnings of employees being paid by state warrants who are presently covered by the Federal Unemployment Compensation Act, 5 U.S.C., Section 8501 et seq., by virtue of their federal status;
- (q) cosmetology services performed by an individual in a beauty shop, as defined by Section 199.1 of Title 59

1 of the Oklahoma Statutes, pursuant to an agreement
2 whereby the owner of the beauty shop leases or rents
3 facilities for cosmetology to such individual;

4 (r) barbering services performed by an individual in a
5 barber shop, as defined by Section 61.5 of Title 59 of
6 the Oklahoma Statutes, pursuant to an agreement
7 whereby the owner of the barber shop leases or rents
8 facilities for barbering to such individual;

9 (s) services performed as a participant in a work or
10 training program administered by the Department of
11 Human Services;

12 (t) riding services performed by a jockey and services
13 performed by a trainer of racehorses in preparation
14 for and during an approved race meeting licensed by
15 the Oklahoma Horse Racing Commission;

16 (u) service performed by an individual whose remuneration
17 consists solely of commissions, overrides, bonuses,
18 and differentials related to sales or other output
19 derived from in-person sales to, or solicitation of
20 orders from, ultimate consumers primarily in the home,
21 or otherwise than in a permanent retail establishment;

22 (v) service performed by a person, commonly referred to as
23 "owner-operator", who owns or leases a truck-tractor
24 or truck for hire, provided the owner-operator

1 actually operates the truck-tractor or truck and,
2 further, that the entity contracting with the owner-
3 operator is not the lessor of the truck-tractor or
4 truck;

5 (w) services performed as a chopper of cotton who weeds or
6 thins cotton crops by hand or hoe. This subsection
7 shall be interpreted and applied consistently with the
8 Federal Unemployment Tax Act, 26 U.S.C., Sections
9 3304(a)(6)(A) and 3306(k);

10 (x) services performed for a private for-profit person or
11 entity by an individual as a landman:

12 (i) if the individual is engaged primarily in
13 negotiating for the acquisition or divestiture of
14 mineral rights or negotiating business agreements
15 that provide for the exploration for or
16 development of minerals,

17 (ii) if substantially all remuneration paid in cash or
18 otherwise for the performance of the services is
19 directly related to the completion by the
20 individual of the specific tasks contracted for
21 rather than to the number of hours worked by the
22 individual, and

23 (iii) if the services performed by the individual are
24 performed under a written contract between the

1 individual and the person for whom the services
2 are performed; provided that the individual is to
3 be treated as an independent contractor and not
4 as an employee with respect to the services
5 provided under the contract; or

6 (y) services performed by persons working under an
7 AmeriCorps grant from the Corporation for National
8 Service made pursuant to the National and Community
9 Service Act of 1990 (NCSA) codified at 42 U.S.C.,
10 Section 12501 et seq.

11 SECTION 2. AMENDATORY 40 O.S. 2021, Section 4-508, as
12 amended by Section 22, Chapter 360, O.S.L. 2022 (40 O.S. Supp.
13 2025, Section 4-508), is amended to read as follows:

14 Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

15 A. Except as otherwise provided by law, information obtained
16 from any employing unit or individual pursuant to the administration
17 of the Employment Security Act of 1980, any workforce system program
18 administered or monitored by the Oklahoma Employment Security
19 Commission, and determinations as to the benefit rights of any
20 individual shall be kept confidential and shall not be disclosed or
21 be open to public inspection in any manner revealing the
22 individual's or employing unit's identity. Any claimant, employer,
23 or agent of either as authorized in writing, shall be supplied with
24 information from the records of the Oklahoma Employment Security

1 Commission, to the extent necessary for the proper presentation of
2 the claim or complaint in any proceeding under the Employment
3 Security Act of 1980, with respect thereto.

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

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

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

22 2. The disclosure of information to any person for a purpose as
23 authorized by the taxpayer or claimant pursuant to a waiver of
24

1 confidentiality. The waiver shall be in writing and shall be
2 notarized;

3 3. The Oklahoma Department of Commerce may have access to data
4 obtained pursuant to the Employment Security Act of 1980 pursuant to
5 rules promulgated by the Commission. The information obtained shall
6 be held confidential by the Department and any of its agents and
7 shall not be disclosed or be open to public inspection. The
8 Oklahoma Department of Commerce, however, may release aggregated
9 data, either by industry or county, provided that the aggregation
10 meets disclosure requirements of the Commission;

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

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

23 6. The furnishing, at the discretion of the Commission, of any
24 information disclosed by the records or files to any official person

1 or body of this state, any other state or of the United States who
2 is concerned with the administration of assessment of any similar
3 tax in this state, any other state or the United States;

4 7. The furnishing of information to other state agencies for
5 the limited purpose of aiding in the collection of debts owed by
6 individuals to the requesting agencies or the Oklahoma Employment
7 Security Commission;

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

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

16 10. The release of information to employees of the Attorney
17 General, the Department of Labor, the Workers' Compensation
18 Commission and the Insurance Department for use in investigation of
19 workers' compensation fraud;

20 11. The release of information to employees of any state,
21 county, municipal or tribal law enforcement agency for use in
22 criminal investigations and the location of missing persons or
23 fugitives from justice;

1 12. The release of information to employees of the Center of
2 International Trade, Oklahoma State University, required for the
3 development of International Trade for employers doing business in
4 this state;

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

12 14. The release of information to employees of the Oklahoma
13 Department of Career and Technology Education, the Oklahoma State
14 Regents for Higher Education, the Center for Economic and Management
15 Research of the University of Oklahoma, the Center for Economic and
16 Business Development at Southwestern Oklahoma State University or a
17 center of economic and business research or development at a
18 comprehensive or regional higher education institution within The
19 Oklahoma State System of Higher Education required to identify
20 economic trends or educational outcomes. The information obtained
21 shall be kept confidential by the Oklahoma Department of Career and
22 Technology Education, the Oklahoma State Regents for Higher
23 Education and the higher education institution and shall not be
24 disclosed or be open to public inspection. The Oklahoma Department

1 of Career and Technology Education, the Oklahoma State Regents for
2 Higher Education and the higher education institution may release
3 aggregated data, provided that the aggregation meets disclosure
4 requirements of the Commission;

5 15. The release of information to employees of the Office of
6 Management and Enterprise Services required to identify economic
7 trends. The information obtained shall be kept confidential by the
8 Office of Management and Enterprise Services and shall not be
9 disclosed or be open to public inspection. The Office of Management
10 and Enterprise Services may release aggregate data, provided that
11 the aggregation meets disclosure requirements of the Oklahoma
12 Employment Security Commission;

13 16. The release of information to employees of the Department
14 of Mental Health and Substance Abuse Services required to evaluate
15 the effectiveness of mental health and substance abuse treatment and
16 state or local programs utilized to divert persons from inpatient
17 treatment. The information obtained shall be kept confidential by
18 the Department and shall not be disclosed or be open to public
19 inspection. The Department of Mental Health and Substance Abuse
20 Services, however, may release aggregated data, either by treatment
21 facility, program or larger aggregate units, provided that the
22 aggregation meets disclosure requirements of the Oklahoma Employment
23 Security Commission;

1 17. The release of information to employees of the Attorney
2 General, the Oklahoma State Bureau of Investigation and the
3 Insurance Department for use in the investigation of insurance fraud
4 and health care fraud;

5 18. The release of information to employees of public housing
6 agencies for purposes of determining eligibility pursuant to 42
7 U.S.C., Section 503(i);

8 19. The release of wage and benefit claim information, at the
9 discretion of the Commission, to an agency of this state or its
10 political subdivisions that operate a program or activity designated
11 as a required partner in the Workforce Innovation and Opportunity
12 Act One-Stop delivery system pursuant to 29 U.S.C.A., Section
13 3151(b) (1), based on a showing of need made to the Commission and
14 after an agreement concerning the release of information is entered
15 into with the entity receiving the information. For the limited
16 purpose of completing performance accountability reports required by
17 the Workforce Innovation and Opportunity Act, only those designated
18 required partners that meet the 20 CFR Section 603.2(d) definition
19 of public official may contract with a private agent or contractor
20 pursuant to 20 CFR Section 603.5(f) for the purpose of the private
21 agent or contractor receiving confidential unemployment compensation
22 information to the extent necessary to complete the performance
23 accountability reports;

1 20. The release of information to the State Wage Interchange
2 System, at the discretion of the Commission;

3 21. The release of information to the Bureau of the Census of
4 the U.S. Department of Commerce, the Bureau of Labor Statistics of
5 the U.S. Department of Labor, and its agents employed by the
6 Oklahoma Department of Labor for the purpose of economic and
7 statistical research;

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

13 23. The release of employer tax information and benefit claim
14 information to the State Department of Rehabilitation Services for
15 use in assessing results and outcomes of clients served;

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

22 25. The release of information to vendors that contract with
23 the Oklahoma Employment Security Commission to provide for the
24 issuance of debit cards, to conduct electronic fund transfers, to

1 perform computer programming operations, or to perform computer
2 maintenance or replacement operations; provided the vendor agrees to
3 protect and safeguard the information it receives and to destroy the
4 information when no longer needed for the purposes set out in the
5 contract;

6 26. The release of information to employees of the Office of
7 Juvenile Affairs for use in assessing results and outcomes of
8 clients served as well as the effectiveness of state and local
9 juvenile and justice programs including prevention and treatment
10 programs. The information obtained shall be kept confidential by
11 the Office of Juvenile Affairs and shall not be disclosed or be open
12 to public inspection. The Office of Juvenile Affairs may release
13 aggregated data for programs or larger aggregate units, provided
14 that the aggregation meets disclosure requirements of the Oklahoma
15 Employment Security Commission;

16 27. The release of information to vendors that contract with
17 the State of Oklahoma for the purpose of providing a public
18 electronic labor exchange system that will support the Oklahoma
19 Employment Security Commission's operation of an employment service
20 system to connect employers with job seekers and military veterans.
21 This labor exchange system would enhance the stability and security
22 of Oklahoma's economy as well as support the provision of veterans'
23 priority of service. The vendors may perform computer programming
24 operations, perform computer maintenance or replacement operations,

1 or host the electronic solution; provided, each vendor agrees to
2 protect and safeguard all information received, that no information
3 shall be disclosed to any third party, that the use of the
4 information shall be restricted to the scope of the contract, and
5 that the vendor shall properly dispose of all information when no
6 longer needed for the purposes set out in the contract; ~~or~~

7 28. The release of employer tax information and benefit claim
8 information to employees of a county public defender's office in
9 this state and the Oklahoma Indigent Defense System for the purpose
10 of determining financial eligibility for the services provided by
11 such entities; or

12 29. The Oklahoma Workforce Commission, based on a showing of
13 need made to the Oklahoma Employment Security Commission and after
14 an agreement concerning the release of information is entered, may
15 have access to data obtained pursuant to the Employment Security Act
16 of 1980 pursuant to rules promulgated by the Oklahoma Employment
17 Security Commission. The information obtained shall be held
18 confidential by law, shall not be disclosed, shall not be subject to
19 open records or freedom of information, and shall not be subject to
20 subpoena. The Oklahoma Workforce Commission, however, may release
21 aggregated data; provided that the aggregation meets disclosure
22 requirements of the Oklahoma Employment Security Commission.

23 D. Subpoenas to compel disclosure of information made
24 confidential by this statute shall not be valid, except for

1 administrative subpoenas issued by federal, state, or local
2 governmental agencies that have been granted subpoena power by
3 statute or ordinance. Confidential information maintained by the
4 Commission can be obtained by order of a court of record that
5 authorizes the release of the records in writing. All
6 administrative subpoenas or court orders for production of documents
7 must provide a minimum of twenty (20) days from the date it is
8 served for the Commission to produce the documents. If the date on
9 which production of the documents is required is less than twenty
10 (20) days from the date of service, the subpoena or order shall be
11 considered void on its face as an undue burden or hardship on the
12 Commission. All administrative subpoenas, court orders or notarized
13 waivers of confidentiality authorized by paragraph 2 of subsection C
14 of this section shall be presented with a request for records within
15 ninety (90) days of the date the document is issued or signed, and
16 the document can only be used one time to obtain records.

17 E. Should any of the disclosures provided for in this section
18 require more than casual or incidental staff time, the Commission
19 shall charge the cost of the staff time to the party requesting the
20 information.

21 F. It is further provided that the provisions of this section
22 shall be strictly interpreted and shall not be construed as
23 permitting the disclosure of any other information contained in the
24 records and files of the Commission.

SECTION 3. This act shall become effective November 1, 2026.

60-2-16379 TKR 02/15/26