

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL NO. 277

6 By: Dossett

7 COMMITTEE SUBSTITUTE

8 An Act relating to paid leave; creating the Oklahoma
9 State Paid Family and Medical Leave Insurance Act;
10 providing short title; defining terms; providing for
11 eligibility for benefits; specifying qualifications;
12 providing for duration of benefits; stating maximum
13 weeks under certain conditions; providing for amount
14 of benefits to be calculated; stating manner of
15 contributions; authorizing the Oklahoma Workforce
16 Commission to establish assessment for contributions;
17 providing for intermittent or reduced leave schedule;
18 requiring covered individuals to be protected during
19 use of benefits; providing for penalties; requiring
20 covered individuals to be protected from retaliatory
21 actions for use of benefits; allowing employers to
22 coordinate benefits under this act; prohibiting
23 employers from not maintaining current obligations to
24 employees under this act; requiring employers to
provide notice to employees; specifying contents of
notice; allowing for appeals; requiring the
Commission to make certain determinations during
certain time frame; allowing for disqualification of
benefits under certain conditions; providing self-
employed persons the option to participate in
program; specifying manner of option for self-
employed persons; establishing family and medical
leave insurance program; requiring the Commission to
establish and administer program; authorizing the
Commission to require and maintain certain
information under certain circumstances; requiring
the Commission to establish reasonable procedures and
forms for filing claims; specifying necessary
contents for filing; allowing health care providers
to submit certain information; providing for income

1 tax considerations on benefits; establishing certain
2 fund; requiring the Commission to submit electronic
3 report to Legislature; specifying contents of report;
4 providing for enforcement of this act; establishing
5 procedure to process claims; allowing for certain
6 action to be taken against violators of this act
7 within certain time frame; providing for
8 codification; and providing an effective date.

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 950 of Title 40, unless there is
12 created a duplication in numbering, reads as follows:

13 This act shall be known and may be cited as the "Oklahoma State
14 Paid Family and Medical Leave Insurance Act".

15 SECTION 2. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 950.1 of Title 40, unless there
17 is created a duplication in numbering, reads as follows:

18 As used in this act:

19 1. "Alternative base period" means the most recent four (4)
20 completed calendar quarters immediately preceding the first day of
21 the individual's application year and any weeks in which wages were
22 paid to the individual in the incomplete calendar quarter in which
23 the individual filed a claim for benefits;

24 2. "Application year" means the twelve-month period beginning
on the first day of the calendar week in which a covered individual

1 files an application for family and medical leave insurance
2 benefits;

3 3. "Average weekly wage" means one-thirteenth (1/13) of the
4 wages paid during the quarter of the covered individual's base
5 period or alternative base period in which the total wages were
6 highest;

7 4. "Base period" means the first four (4) of the last five (5)
8 completed calendar quarters immediately preceding the first day of
9 an individual's application year; provided, that if the first
10 quarter of the last five (5) completed calendar quarters was
11 included in the base period applicable to any individual's previous
12 application year, the individual's base period shall be the last
13 four (4) completed calendar quarters;

14 5. "CEO" means the Chief Executive Officer of the Oklahoma
15 Workforce Commission;

16 6. "Child" means, regardless of age, a biological, adopted or
17 foster child, stepchild or legal ward, a child to whom the covered
18 individual stands in loco parentis, or a person to whom the covered
19 individual stood in loco parentis when the person was a minor;

20 7. "Commission" means the Oklahoma Workforce Commission;

21 8. "Covered individual" means any person who:

22 a. meets one of the following requirements:

23 (1) earned an amount determined each year by the
24 Commission from work in the state during the

1 person's base period or alternative base period
2 prior to submitting an application, or

3 (2) is self-employed, elects coverage, and meets the
4 requirements of Section 14 of this act,

5 b. meets the administrative requirements provided in this
6 act, and

7 c. submits an application;

8 9. "Employee" means any person permitted to work by an
9 employer;

10 10. "Employer" means every individual, partnership, firm,
11 association, corporation, the legal representation of a deceased
12 individual, or receiver, trustee, or successor of an individual,
13 firm, partnership, association, or corporation, employing any person
14 in this state;

15 11. "Family and medical leave insurance benefits" means the
16 benefits provided in this act;

17 12. "Family member" means:

18 a. a child,

19 b. a biological, adoptive, or foster parent, stepparent,
20 or legal guardian of a covered individual or a covered
21 individual's spouse, or a person who stood in loco
22 parentis when the covered individual or the covered
23 individual's spouse was a minor child,

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- c. a person to whom the covered individual is legally married under the laws of any state, or
- d. a grandparent, grandchild, or sibling, whether a biological, foster, adoptive, or step relationship, of any covered individual or the covered individual's spouse;

13. "Health care provider" means any person or other entity who is licensed pursuant to the provisions of Title 59 or Title 63 of the Oklahoma Statutes, or pursuant to the laws of another state, to render health care services in the practice of a profession or in the ordinary course of business;

14. "Interference" means any action that may have the effect of preventing or discouraging an employee from exercising any right guaranteed under this act including, but not limited to:

- a. failing to comply with the requirements of Section 9 of this act,
- b. failing to provide an employee with complete and accurate information related to an application for family and medical leave insurance benefits as may be required from an employer pursuant to Section 15 of this act,
- c. failing to accurately and timely complete and return an application for family and medical leave insurance

1 benefits as may be required from an employer pursuant
2 to Section 15 of this act, and

- 3 d. providing the Commission with inaccurate or incomplete
4 information about an employee's wages or employment as
5 it relates to the employee's eligibility for family
6 and medical leave insurance benefits;

7 15. "Paid family and medical leave" means leave taken from
8 employment or self-employment in connection with family and medical
9 leave insurance benefits pursuant to this act;

10 16. "Retaliatory personnel action" means denial of or
11 interference with any right guaranteed under this act including, but
12 not limited to, any threat, discharge, suspension, demotion,
13 reduction of hours or pay, other adverse action against an employee.
14 Retaliatory personnel action shall also include interference with or
15 punishment for participating in or assisting an investigation,
16 complaint, proceeding, or hearing under this act; and

17 17. "Serious health condition" means the same as defined in
18 Section 101(11) of the Family and Medical Leave Act of 1993.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 950.2 of Title 40, unless there
21 is created a duplication in numbering, reads as follows:

22 On or after the effective date of this act, a covered individual
23 shall have the right to take paid family and medical leave and to
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1 receive family and medical leave insurance benefits pursuant to this
2 act if the individual:

3 1. Meets the definition of a covered individual as defined in
4 paragraph 8 of Section 2 of this act; and

5 2. Meets one of the following requirements:

6 a. is caring for a new child because of birth, adoption,
7 or placement through foster care within twelve (12)
8 months of the anticipated birth, adoption, or
9 placement of that child, or has a need to be absent
10 from work before an actual placement of the child in
11 order for the placement for adoption or foster care to
12 proceed,

13 b. is caring for a family member with a serious health
14 condition,

15 c. has a need for leave due to a serious health condition
16 including, but not limited to, pregnancy or pregnancy
17 loss, or

18 d. any reason as set forth in the Family and Medical
19 Leave Act of 1993.

20 SECTION 4. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 950.3 of Title 40, unless there
22 is created a duplication in numbering, reads as follows:

23 A. 1. The number of weeks for which a covered individual may
24 take paid family and medical leave under subparagraph c of paragraph

1 2 of Section 3 of this act and for which family and medical leave
2 insurance benefits are payable under subparagraph c of paragraph 2
3 of Section 3 of this act in an application year shall be no less
4 than twelve (12) weeks.

5 2. The number of weeks for which a covered individual may take
6 paid family and medical leave under subparagraph a, b, or d of
7 paragraph 2 of Section 3 of this act and for which family and
8 medical leave insurance benefits are payable under subparagraph a,
9 b, or d of paragraph 2 of Section 3 of this act in an application
10 year shall not exceed twelve (12) weeks.

11 3. The number of weeks for which a covered individual may take
12 paid family and medical leave under paragraphs 1 and 2 of this
13 subsection in aggregate shall not exceed sixteen (16) weeks in an
14 application year.

15 B. The first payment of benefits shall be made to an individual
16 within thirty (30) days after the claim is filed, or within thirty
17 (30) days after the first day of the approved claim, whichever is
18 later, and subsequent payments shall be made in accordance with
19 rules set forth by the Commission. Family and medical leave
20 insurance benefits are payable as of the commencement of a covered
21 individual's paid family and medical leave.

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 950.4 of Title 40, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The benefits payable to a covered individual shall be
2 calculated as follows:

3 1. The portion of a covered individual's average weekly wage
4 that is equal to or less than fifty percent (50%) of the statewide
5 average weekly wage shall be replaced at a rate of ninety percent
6 (90%); and

7 2. The portion of a covered individual's average weekly wage
8 that exceeds fifty percent (50%) of the statewide average weekly
9 wage shall be replaced at a rate of fifty percent (50%).

10 B. The calculation of a covered individual's average weekly
11 wage in accordance with this subsection shall be as follows:

12 1. If at the time the leave commences the wages are fixed by
13 the week, the amount so fixed shall be the average weekly wage;

14 2. If at the time the leave commences the wages are fixed by
15 the month, the average weekly wage shall be the monthly wage so
16 fixed multiplied by twelve and divided by fifty-two;

17 3. If at the time the leave commences the wages are fixed by
18 the year, the average weekly wage shall be the yearly wage divided
19 by fifty-two; and

20 4. If at the time the leave commences the wages are fixed by a
21 manner not provided in paragraph 1, 2, or 3 of this subsection, the
22 Oklahoma Workforce Commission shall promulgate rules to determine
23 the average weekly wage for the employee.

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1 C. Family and medical leave insurance benefits are not payable
2 until the covered individual accumulates at least four (4) hours of
3 family and medical leave. To be eligible to file a benefits claim,
4 a covered individual shall:

5 1. Have worked at least eighteen (18) weeks during the twelve-
6 month period prior to submitting a claim; and

7 2. Not be employed by an employer that has been issued a waiver
8 under Section 3-310 of Title 40 of the Oklahoma Statutes.

9 D. The benefit amount of a covered individual taking paid
10 family and medical leave from employment shall be based on the
11 proportion of the covered individual's typical workweek spent at the
12 job or jobs from which the covered individual is taking paid family
13 and medical leave, up to the maximum total benefit established by
14 the Commission. A covered individual with multiple jobs may elect
15 whether to take leave from one job or multiple jobs.

16 E. 1. Family and medical leave insurance benefits pursuant to
17 paragraph 2 of Section 3 of this act, except for subparagraph c of
18 paragraph 2 of Section 3 of this act, shall be reduced by the amount
19 of benefits that a covered individual received under the Employment
20 Security Act of 1980.

21 2. During any period of leave pursuant to subparagraph c of
22 paragraph 2 of Section 3 of this act, family and medical leave
23 insurance benefits shall be reduced by the amount of benefits that a
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1 covered individual receives under Title 85A of the Oklahoma
2 Statutes.

3 F. The Commission shall promulgate the rules necessary to
4 administer the provisions of this section, including procedures to
5 investigate complaints under this act.

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 950.5 of Title 40, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Payroll contributions shall be authorized for the exclusive
10 purpose of financing the payment of benefits under this act and
11 implementing and administering the provisions of this act.

12 B. Beginning on the effective date of this act, for each
13 employee, an employer shall remit to the Family and Medical Leave
14 Insurance Fund as created in Section 18 of this act in the form and
15 manner determined by the Oklahoma Workforce Commission.

16 C. Annually, beginning in the fiscal year after the effective
17 date of this act, and each fiscal year thereafter, the Commission
18 shall set the contribution rate for the subsequent fiscal year based
19 on a percent of employee wages and at the rate necessary to obtain a
20 total amount of contributions equal to one hundred thirty-five
21 percent (135%) of the benefits paid during the previous fiscal year
22 plus an amount equal to one hundred percent (100%) of the cost of
23 administration of the payment of those benefits during the previous
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1 fiscal year, less the amount of net assets remaining in the fund as
2 of June 30 of the current fiscal year.

3 D. A self-employed person who elects coverage under this act
4 shall remit contribution amount pursuant to this section directly to
5 the Commission.

6 E. An employer may deduct a percentage of the contribution
7 required for an employee by this section, as determined by the
8 Commission, from the employee's wages and shall remit one hundred
9 percent (100%) of the contribution required by this section from the
10 employer and those employees to the Family and Medical Leave
11 Insurance Fund as created in Section 18 of this act.

12 F. An employer who fails to or refuses to make contributions as
13 required in this section shall be assessed a penalty as determined
14 by the Commission for each year the employer so failed to comply in
15 addition to any amounts previously owed, or fraction thereof, in
16 addition to the total amount of benefits paid to covered individuals
17 for whom the employer failed to make contributions. The rate of
18 assessment imposed by this subsection shall be adjusted each fiscal
19 year and annually thereafter. Assessments collected pursuant to
20 this subsection shall be deposited in the Family and Medical Leave
21 Insurance Fund as created in Section 18 of this act.

22 G. An employer's failure to or refusal to remit contributions
23 to the Family and Medical Leave Insurance Fund as created in Section
24 18 of this act as required in this section shall not affect an

1 individual's eligibility for paid family and medical leave and
2 family and medical leave insurance benefits pursuant to this act.

3 SECTION 7. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 950.6 of Title 40, unless there
5 is created a duplication in numbering, reads as follows:

6 A. A covered individual shall be entitled to take paid family
7 and medical leave on an intermittent or reduced leave schedule in
8 which all of the leave authorized under this act is not taken
9 sequentially. Family and medical leave insurance benefits for an
10 intermittent or reduced leave schedule shall be prorated.

11 B. The covered individual shall make a reasonable effort to
12 schedule foreseeable paid family and medical leave under this
13 section so as not to unduly disrupt the operations of the employer.
14 The covered individual shall provide the employer with prior notice
15 of the schedule on which the covered individual will be taking the
16 leave, to the extent practicable. Paid family and medical leave
17 taken under this section shall not result in a reduction of the
18 total amount of leave to which a covered individual is entitled
19 beyond the amount of leave actually taken.

20 C. Nothing in this section shall be construed to entitle a
21 covered individual to more leave than required pursuant to Section 4
22 of this act.

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1 SECTION 8. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 950.7 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Any covered individual who exercises his or her right under
5 this act to paid family and medical leave shall, upon the expiration
6 of that leave, be entitled to be restored by his or her employer to
7 the position held by the covered individual when the leave
8 commenced, or to be restored to an equivalent position with
9 equivalent seniority, status, employment benefits, pay, and other
10 terms and conditions of employment including fringe benefits and
11 service credits that the covered individual was entitled to at the
12 commencement of leave. A covered individual who exercised his or
13 her right under this act to paid family and medical leave but does
14 not receive family and medical leave insurance benefits is still
15 entitled to the job restoration protection of this section.

16 B. During any leave pursuant to Section 3 of this act, the
17 employer shall maintain any health care benefits that the covered
18 individual had prior to taking such leave for the duration of the
19 leave as if the covered individual had continued working
20 continuously from the date the individual commenced the leave until
21 the date the individual returns from paid family and medical leave;
22 provided, that the covered individual shall continue to pay the
23 covered individual's share of the cost of health benefits and that
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1 the employer shall continue to pay the employer's share of the cost
2 of health benefits as required prior to the commencement of leave.

3 C. This section shall be enforced as provided in Section 21 of
4 this act.

5 SECTION 9. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 950.8 of Title 40, unless there
7 is created a duplication in numbering, reads as follows:

8 A. It shall be unlawful for an employer or any other person to
9 commit interference or restrain or deny the exercise of, or the
10 attempt to exercise, any right protected under this act.

11 B. An employer, temporary employment company, employment
12 agency, employee organization, or other person shall not take
13 retaliatory personnel action or otherwise discriminate against a
14 person because that person exercised rights protected under this
15 act. Such rights include, but are not limited to:

16 1. The right to request, file for, apply for or use benefits,
17 or take leave provided for under this act;

18 2. The right to communicate to the employer or any other person
19 or entity an intent to file a claim, a complaint with the Oklahoma
20 Workforce Commission or courts, an appeal, that the person has
21 testified or is about to testify, or has assisted in any
22 investigation, hearing, or proceeding under this act, at any time,
23 including during the period in which the person receives family and
24 medical leave insurance benefits; and

1 3. The right to inform any person of the person's rights under
2 this act.

3 C. It shall be unlawful for an employer's absence control
4 policy to count paid family or medical leave taken under this act as
5 an absence that may lead to or result in discipline, discharge,
6 demotion, suspension, or any other adverse action.

7 D. Protections of this section shall apply to any person who
8 mistakenly, but in good faith, alleges a violation of this act.

9 E. This section shall be enforced through the provisions set
10 forth in Section 21 of this act.

11 SECTION 10. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 950.9 of Title 40, unless there
13 is created a duplication in numbering, reads as follows:

14 A. 1. Leave taken with family and medical leave insurance
15 benefits under this act that also qualifies as leave under the
16 Family and Medical Leave Act of 1993 shall run concurrently with
17 leave taken under the Family and Medical Leave Act of 1993, as
18 applicable.

19 2. An employer may require that family and medical leave
20 insurance benefits payments made pursuant to this act be made
21 concurrently or otherwise coordinated with payment made or leave
22 allowed under the terms of a short-term disability policy, or a
23 separate bank of time off designated solely for the purpose of
24 family and medical leave in accordance with this act, under a

1 collective bargaining agreement or employer policy. The employer
2 shall give employees written notice of this requirement.

3 3. Notwithstanding this subsection, an employee shall not be
4 required to use or exhaust any accrued vacation leave, sick leave,
5 or other paid time off prior to or while receiving family and
6 medical leave insurance benefits under this act. A covered
7 individual may choose to use any accrued vacation leave, sick leave,
8 or other paid time off while receiving family or medical leave
9 insurance benefits under this act, unless the aggregate amount a
10 covered individual would receive would exceed the covered
11 individual's average weekly earnings. Nothing in this subsection
12 requires an employee to receive or use additional paid time off as
13 described in this section.

14 B. 1. This act shall not diminish an employer's obligation to
15 comply with any of the following that provide leave or benefits
16 exceeding the provisions of this act:

- 17 a. a collective bargaining agreement,
- 18 b. an employer policy,
- 19 c. an employment contract, or
- 20 d. any applicable local, state, or federal law.

21 2. An individual's rights, privileges, or remedies to leave and
22 benefits under this act may not be diminished by a collective
23 bargaining agreement entered into, retained, amended, or renewed, or

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1 an employer policy adopted, amended, or retained, after the
2 effective date of this act.

3 3. This act shall not diminish an individual's rights,
4 privileges, or remedies under a collective bargaining agreement,
5 employer policy, or employment contract, as applicable.

6 4. Any agreement by an individual to waive the individual's
7 rights under this act is void.

8 SECTION 11. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 950.10 of Title 40, unless there
10 is created a duplication in numbering, reads as follows:

11 A. Each employer shall provide written notice pursuant to this
12 section to each employee upon hiring. Such notice shall include:

13 1. The employee's right to family and medical leave insurance
14 benefits under this act and the terms under which they may be used;

15 2. The amount of family and medical leave insurance benefits
16 available;

17 3. The procedure for filing a claim for benefits;

18 4. The right to job restoration and benefits continuation under
19 Section 8 of this act;

20 5. That discrimination and retaliatory personnel actions
21 against a person for requesting, applying for, or using family and
22 medical leave insurance benefits are prohibited under Section 9 of
23 this act; and
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1 6. That the employee has a right to file a complaint for
2 violations of this act.

3 B. Any employer that violates subsection A of this section
4 shall be assessed a fine of One Hundred Dollars (\$100.00) per day
5 per employee for each violation. Assessments collected pursuant to
6 this subsection shall be deposited in the Family and Medical Leave
7 Insurance Fund as created in Section 18 of this act.

8 C. Employees shall provide notice of their intention to take
9 leave to their employers under this act; provided, that when the
10 need for leave is foreseeable, employees shall not be required to
11 provide more than ten (10) business days' notice to their employers.

12 SECTION 12. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 950.11 of Title 40, unless there
14 is created a duplication in numbering, reads as follows:

15 A. The Chief Executive Officer (CEO) of the Oklahoma Workforce
16 Commission shall establish a system for an aggrieved individual to
17 appeal any determination of his or her claim for family and medical
18 leave insurance benefits within ninety (90) days of receiving notice
19 of the determination. In establishing such system, the CEO may
20 utilize any and all procedures and appeals mechanisms established in
21 Title 40 of the Oklahoma Statutes; provided, that employers shall
22 not be a party to any appeal pursuant to this subsection.

23 B. Upon receipt of the Commission's determination on appeal, an
24 aggrieved individual may seek judicial review in court.

1 C. The CEO shall implement procedures to ensure confidentiality
2 of all information related to any claims filed or appeals taken to
3 the maximum extent permitted by applicable laws.

4 SECTION 13. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 950.12 of Title 40, unless there
6 is created a duplication in numbering, reads as follows:

7 A. A covered individual may be disqualified from any future
8 family and medical leave insurance benefits if the individual is
9 determined by the Chief Executive Officer (CEO) of the Oklahoma
10 Workforce Commission to have willfully and knowingly made a false
11 statement or misrepresentation regarding a material fact, or
12 willfully and knowingly failed to report a material fact, to obtain
13 benefits under this act. A covered individual may appeal such
14 determination by the CEO.

15 B. If family and medical leave insurance benefits are paid
16 erroneously as a result of willful misrepresentation, or if a claim
17 for family and medical leave insurance benefits is rejected after
18 benefits are paid, the Commission shall seek repayment of benefits
19 from the recipient. The CEO shall exercise discretion to waive, in
20 whole or in part, the amount of any such payments.

21 SECTION 14. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 950.13 of Title 40, unless there
23 is created a duplication in numbering, reads as follows:

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1 A. A self-employed person, including an independent contractor,
2 sole proprietor, partner, or joint venturer, may elect coverage
3 under this act for an initial period of not less than three (3)
4 years; provided, that a self-employed person who elects coverage
5 shall be eligible for family and medical leave insurance benefits
6 immediately when that person meets the requirements of paragraph 8
7 of Section 2 of this act, including wages earned from work in
8 employment and self-employment. The self-employed person shall file
9 a notice of election in writing with the Chief Executive Officer
10 (CEO) of the Oklahoma Workforce Commission, as required by the
11 Commission. The election becomes effective on the date of filing
12 the notice. As a condition of election, the self-employed person
13 shall agree to supply any information concerning income that the
14 Commission deems necessary.

15 B. A self-employed person who has elected coverage may withdraw
16 from coverage within thirty (30) days after the end of the three-
17 year period of coverage, or at such other times as the CEO may
18 prescribe by rule, by filing written notice with the CEO, with such
19 withdrawal to take effect no earlier than thirty (30) days after
20 filing the notice.

21 C. A person who has elected coverage under this section shall
22 be excused from his or her obligations under this section, as the
23 Commission shall promulgate by rule, if:

24 1. The person is no longer a self-employed person; or

1 2. The person no longer works in this state.

2 SECTION 15. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 950.14 of Title 40, unless there
4 is created a duplication in numbering, reads as follows:

5 A. The Oklahoma Workforce Commission shall establish and
6 administer family and medical leave insurance, collect
7 contributions, and pay family and medical leave insurance benefits
8 as specified in this act. The provisions of this act shall be
9 administered and implemented by the Commission. The Commission
10 shall be the entity that collects contributions, processes and
11 determines claims for family and medical leave insurance benefits,
12 and administers appeals to the Commission pursuant to Section 12 of
13 this act.

14 B. The Commission shall notify the employer within five (5)
15 business days of a claim being filed pursuant to this act. The
16 Commission is not required to receive any acknowledgement or repose
17 from the employer before processing the applicant's claim.

18 C. The Commission may use information-sharing and integration
19 technology to facilitate the disclosure of relevant information or
20 records to the extent permitted under state and federal privacy and
21 confidentiality laws, so long as an individual consents to the
22 disclosure as required under this law.

23 D. Information contained in the files and records pertaining to
24 an individual under this act are confidential and shall not be

1 disclosed or made open to public inspection, other than to public
2 employees in the course of official duties, to other agencies as
3 necessary for administration of this act, or as otherwise required
4 by law. The individual or an authorized representative of the
5 individual may review the records or receive specific information
6 from the records upon presentation of the individual's signed
7 authorization.

8 E. The Chief Executive Officer of the Oklahoma Workforce
9 Commission shall promulgate any rules necessary to implement the
10 provisions of this act.

11 SECTION 16. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 950.15 of Title 40, unless there
13 is created a duplication in numbering, reads as follows:

14 A. As provided in this section, the Oklahoma Workforce
15 Commission shall establish reasonable procedures and forms for
16 filing claims for benefits under this act and shall institute forms
17 and procedures that are not unduly burdensome to an individual
18 claiming benefits.

19 B. An individual may file an application for family and medical
20 leave insurance benefits no more than sixty (60) days before the
21 anticipated start date of paid family and medical leave and no more
22 than ninety (90) days after the start date of paid family and
23 medical leave. The Commission may waive the ninety-day filing
24 deadline for good cause. Exact dates of absence are not required

1 for the Commission to process a claim, and claim data may be
2 adjusted through a claims modification process as established by the
3 Commission.

4 C. Certification for a covered individual taking leave under
5 subparagraph a of paragraph 2 of Section 3 of this act shall be
6 sufficient if the covered individual provides:

7 1. The child's birth certificate;

8 2. A document stating the child's birth date issued by the
9 health care provider of the child or the health care provider of the
10 person who gave birth;

11 3. A document issued by the health care provider of the child,
12 an adoption agency involved in the adoption, or by other
13 individuals, as determined by the Commission, that confirms the
14 adoption or anticipated adoption and the date of adoption or
15 anticipated adoption;

16 4. A document issued by the health care provider of the child,
17 a foster care agency involved in the placement, or by other
18 individuals, as determined by the Commission, that confirms the
19 placement or anticipated placement and the date of placement or
20 anticipated placement; or

21 5. A voluntary acknowledgement of parentage.

22 D. Certification for a covered individual taking leave under
23 subparagraph b of paragraph 2 of Section 3 of this act shall be
24 sufficient if it states the date on which the serious health

1 condition commenced, the probable duration of the condition, the
2 appropriate medical facts within the knowledge of the health care
3 provider as required by the Commission, a statement that the covered
4 individual is needed to care for the family member, and an estimate
5 of the amount of time that the covered individual is needed to care
6 for the family member.

7 E. Certification for a covered individual taking leave under
8 subparagraph c of paragraph 2 of Section 3 of this act shall be
9 sufficient if it states the date on which the serious health
10 condition commenced, the probable duration of the condition, and the
11 appropriate medical facts within the knowledge of the health care
12 provider as required by the Commission.

13 F. An application for family and medical leave insurance
14 benefits, including certification pursuant to this section, shall be
15 submitted electronically, by mail, or by another method specified by
16 the Commission.

17 G. Any medical, health, or other personal information required
18 under this section shall be confidential and shall not be disclosed
19 except with permission from the covered individual who provided it
20 unless disclosure is otherwise required by law.

21 H. A health care provider shall provide a certification of a
22 serious health condition required by this act for paid family or
23 medical leave, including any required documentation of a serious
24

1 health condition, within seven (7) calendar days of receipt of a
2 request and authorization from the patient.

3 1. Nothing in this section requires a provider to complete a
4 certification for a serious health condition for which the provider
5 does not have the necessary patient information.

6 2. If a health care facility requires administrative review of
7 information or documentation required by this act prior to allowing
8 a provider to submit the certification of a serious health
9 condition, then the health care facility shall implement and
10 maintain policies and practices in conformance with this subsection.

11 3. A health care provider or health care facility may not
12 charge a fee for the execution of certification of a serious health
13 condition under this section. This does not prohibit or limit the
14 ability of a health care provider to charge a fee associated with
15 any office visit necessary for evaluating the patient.

16 SECTION 17. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 950.16 of Title 40, unless there
18 is created a duplication in numbering, reads as follows:

19 A. If the Internal Revenue Service determines that family and
20 medical leave insurance benefits under this act are subject to
21 federal income tax, the Oklahoma Workforce Commission shall inform
22 an individual filing a new claim for family and medical leave
23 insurance benefits, at the time of filing such claim, that:

24

1 1. The Internal Revenue Service has determined that benefits
2 are subject to federal income tax; and

3 2. Requirements may exist pertaining to estimated tax payments.

4 B. Family and medical leave insurance benefits pursuant to this
5 act are not subject to state income tax.

6 SECTION 18. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 950.17 of Title 40, unless there
8 is created a duplication in numbering, reads as follows:

9 There is hereby established as a special fund, separate and
10 apart from all public monies or funds of this state, the "Family and
11 Medical Leave Insurance Fund", which shall be administered by the
12 Oklahoma Workforce Commission exclusively for the purpose of the
13 family and medical leave insurance benefits established by this act.
14 This fund shall consist of:

15 1. All contributions collected pursuant to this act, together
16 with any interest thereon collected pursuant to this act;

17 2. All penalties collected pursuant to the provisions of this
18 act;

19 3. Interest earned upon any monies in the fund;

20 4. Any property or securities acquired through the use of
21 monies belonging to the fund;

22 5. All earnings of such property or securities; and

23 6. All other monies received for the fund from any other
24 source.

1 SECTION 19. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 950.18 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Beginning on the effective date of this act, the Oklahoma
5 Workforce Commission shall submit electronically a report to the
6 Legislature at the end of each year that includes:

7 1. Projected and actual participation under paragraph 2 of
8 Section 3 of this act;

9 2. Average weekly benefit;

10 3. Average leave duration as a result of paragraph 2 of Section
11 3 of this act;

12 4. Contribution rates;

13 5. Current and projected fund balances;

14 6. Processing times for initial claims processing and
15 determinations;

16 7. State reasons for claim denials;

17 8. Number of appeals filed and outcomes related to appeals;

18 9. Average length of time between application and receipt of
19 benefits; and

20 10. For leaves taken under subparagraph b of paragraph 2 of
21 Section 3 of this act, category of family member for whom leave was
22 taken to provide care.

23 B. Such report shall be made publicly available immediately
24 following submission to the Legislature.

1 SECTION 20. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 950.19 of Title 40, unless there
3 is created a duplication in numbering, reads as follows:

4 After the effective date of this act, the Oklahoma Workforce
5 Commission shall conduct a public education campaign to educate
6 workers and employers about the availability of family and medical
7 leave insurance benefits under this act, including certification
8 requirements pursuant to Section 16 of this act. The Commission may
9 use funds collected pursuant to this act in a given year to pay for
10 the public education program.

11 SECTION 21. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 950.20 of Title 40, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Any individual who believes that his or her rights under
15 this act have been interfered with, restrained, or denied in
16 violation of this act or that the individual has been discharged or
17 otherwise discriminated against in violation of this act may, within
18 twelve (12) months after the violation occurs or the individual
19 should reasonably have known that the violation occurred, whichever
20 is later:

21 1. File a complaint with the Oklahoma Workforce Commission
22 alleging the violation; or

23 2. Bring a civil action in a court of competent jurisdiction.
24

1 B. The Commission shall process complaints filed pursuant to
2 paragraph 1 of subsection A of this section in the same manner as
3 complaints filed under Title 40 of the Oklahoma Statutes are
4 processed. If the Commission finds that an employer has violated
5 Section 8 or 9 of this act, the Commission shall:

6 1. Order the employer to take action to remedy the violation,
7 which may include:

8 a. providing the requested family or medical leave,

9 b. reinstating an employee,

10 c. providing for up to one (1) year of back pay,

11 d. interest on the amount described in subparagraph c of
12 this paragraph calculated at the prevailing rate,

13 e. liquidated damages equal to the sum of the amount
14 described in subparagraph c of this paragraph and the
15 interest described in subparagraph d of this
16 paragraph,

17 f. paying reasonable actual attorney fees to the
18 complainant, and

19 g. any other relief the Commission deems appropriate; and

20 2. Assess the employer a penalty not less than Five Hundred
21 Dollars (\$500.00), with such assessments to be deposited in the
22 Family and Medical Leave Insurance Fund as created in Section 18 of
23 this act.

24

1 C. An individual or the Commission may bring a civil action in
2 a court of competent jurisdiction against an employer for a
3 violation of Section 8 or 9 of this act. Such action may be brought
4 by an individual aggrieved by a violation of Section 8 or 9 of this
5 act without first filing a complaint with the Commission. The court
6 may order payment of damages caused by the violation, liquidated
7 damages, reasonable costs including attorney fees, and legal and
8 equitable relief as the court deems appropriate. A civil action
9 brought after the completion of an administrative proceeding under
10 subsection B of this section shall be commenced within twelve (12)
11 months after the completion of such proceeding.

12 SECTION 22. This act shall become effective November 1, 2026.

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