STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE
FOR
SENATE BILL 277 By: Dossett

COMMITTEE SUBSTITUTE

An Act relating to paid leave; creating the Oklahoma State Paid Family and Medical Leave Insurance Act; providing short title; defining terms; providing for eligibility for benefits; specifying qualifications; providing for duration of benefits; stating maximum weeks under certain conditions; providing for amount of benefits to be calculated; stating manner of contributions; authorizing the Oklahoma Workforce Commission to establish assessment for contributions; providing for intermittent or reduced leave schedule; requiring covered individuals to be protected during use of benefits; providing for penalties; requiring covered individuals to be protected from retaliatory actions for use of benefits; allowing employers to coordinate benefits under this act; prohibiting employers from not maintaining current obligations to 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

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

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

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

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

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

As used in this act:

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

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

files an application for family and medical leave insurance benefits;

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

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

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

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

7. "Commission" means the Oklahoma Workforce Commission;

8. "Covered individual" means any person who:

a. meets one of the following requirements:

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

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

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

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

c. submits an application;

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

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

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

12. "Family member" means:

a. a child,

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

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

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

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

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

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

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

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

On or after the effective date of this act, a covered individual shall have the right to take paid family and medical leave and to

receive family and medical leave insurance benefits pursuant to this act if the individual:

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

2. Meets one of the following requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. During any period of leave pursuant to subparagraph c of paragraph 2 of Section 3 of this act, family and medical leave insurance benefits shall be reduced by the amount of benefits that a

covered individual receives under Title 85A of the Oklahoma Statutes.

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

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

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

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

C. Annually, beginning in the fiscal year after the effective date of this act, and each fiscal year thereafter, the Commission shall set the contribution rate for the subsequent fiscal year based on a percent of employee wages and at the rate necessary to obtain a total amount of contributions equal to one hundred thirty-five percent (135%) of the benefits paid during the previous fiscal year plus an amount equal to one hundred percent (100%) of the cost of administration of the payment of those benefits during the previous

fiscal year, less the amount of net assets remaining in the fund as of June 30 of the current fiscal year.

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

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

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

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

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

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

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

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

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

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

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

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

the employer shall continue to pay the employer's share of the cost of health benefits as required prior to the commencement of leave.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. a collective bargaining agreement,

b. an employer policy,

c. an employment contract, or

d. any applicable local, state, or federal law.

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

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

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

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

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

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

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

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

3. The procedure for filing a claim for benefits;

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

5. That discrimination and retaliatory personnel actions against a person for requesting, applying for, or using family and medical leave insurance benefits are prohibited under Section 9 of this act; and

6. That the employee has a right to file a complaint for violations of this act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. The person no longer works in this state.

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

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

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

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

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

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

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

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

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

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

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

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

1. The child's birth certificate;

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

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

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

5. A voluntary acknowledgement of parentage.

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Requirements may exist pertaining to estimated tax payments.

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

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

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

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

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

3. Interest earned upon any monies in the fund;

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

5. All earnings of such property or securities; and

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

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

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

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

2. Average weekly benefit;

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

4. Contribution rates;

5. Current and projected fund balances;

6. Processing times for initial claims processing and determinations;

7. State reasons for claim denials;

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

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

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

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

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

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

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

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

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

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

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

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

a. providing the requested family or medical leave,

b. reinstating an employee,

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

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

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

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

g. any other relief the Commission deems appropriate; and

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

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

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

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