

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1876

By: Proctor

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5
6 AS INTRODUCED

7 An Act relating to labor; requiring employers to
8 provide employees caring for servicemember paid
9 leave; defining terms; providing for codification;
10 and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 901 of Title 40, unless there is
14 created a duplication in numbering, reads as follows:

15 A. Public and private employers shall provide any employee who
16 is the spouse, son, daughter, parent, or next of kin of a covered
17 servicemember, a total of twenty-six (26) workweeks of paid leave
18 during a twelve (12) month period to care for the servicemember.

19 B. As used in this section:

20 1. "Covered servicemember" means:

21 a. a member of the Armed Forces who is undergoing medical
22 treatment, recuperation, or therapy, is otherwise in
23 outpatient status, or is otherwise on the temporary
24

1 disability retired list, for a serious injury or
2 illness; or

3 b. a veteran who is undergoing medical treatment,
4 recuperation, or therapy, for a serious injury or
5 illness and who was a member of the Armed Forces at
6 any time during the period of five (5) years preceding
7 the date on which the veteran undergoes that medical
8 treatment, recuperation, or therapy.

9 2. "Employee" means any person who supplies labor for
10 remuneration to his or her employer in this state and shall not
11 include an independent contractor, subcontractor or employees of an
12 independent contractor;

13 3. "Employer" means any person, firm, corporation, partnership,
14 association or nonprofit organization, which has one or more
15 employees within this state, or which has offered or may offer
16 employment to one or more individuals in this state;

17 4. "Next of kin" means the nearest blood relative of that
18 individual;

19 5. "Outpatient status", with respect to a covered servicemember,
20 means the status of a member of the Armed Forces assigned to:

21 a. a military medical treatment facility as an
22 outpatient; or

1 b. a unit established for the purpose of providing
2 command and control of members of the Armed Forces
3 receiving medical care as outpatients.

4 6. "Public employer" means the State of Oklahoma or any
5 political subdivision thereof, including any department, agency,
6 board, commission, institution, authority, public trust,
7 municipality, county, district or instrumentalities thereof;

8 7. "Serious injury or illness" means:

9 a. in the case of a member of the Armed Forces, means an
10 injury or illness that was incurred by the member in
11 line of duty on active duty in the Armed Forces or
12 existed before the beginning of the member's active
13 duty and was aggravated by service in line of duty on
14 active duty in the Armed Forces and that may render
15 the member medically unfit to perform the duties of
16 the member's office, grade, rank, or rating; and

17 b. in the case of a veteran who was a member of the Armed
18 Forces at any time during a period described in
19 subparagraph b of paragraph 1 of subsection B of this
20 section means a injury or illness that was incurred by
21 the member in line of duty on active duty in the Armed
22 Forces or existed before the beginning of the member's
23 active duty and was aggravated by service in line of
24 duty on active duty in the Armed Forces and that

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manifested itself before or after the member became a
veteran.

SECTION 2. This act shall become effective November 1, 2017.

56-1-6256 AMM 01/15/17