

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1310

By: Walke

4  
5  
6 AS INTRODUCED

7 An Act relating to labor; creating the Healthy  
8 Families and Workplaces Act; defining terms;  
9 providing for accrual and use of earned paid sick  
10 time; protecting certain rights; prohibiting  
11 retaliation; providing for posting of certain notice;  
12 requiring retainment of certain records; authorizing  
13 Department of Labor to promulgate rules; providing  
14 for administrative and civil enforcement; providing  
15 for confidentiality and nondisclosure of certain  
16 information; construing provisions; requiring  
17 Department to develop education and outreach program;  
18 providing for codification; and providing an  
19 effective date.

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

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

24 This act shall be known and may be cited as the "Healthy  
Families and Workplaces Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 902 of Title 40, unless there is  
created a duplication in numbering, reads as follows:

1 For purposes of the Healthy Families and Workplaces Act:

2 1. "Department" means the Oklahoma Department of Labor;

3 2. "Domestic abuse" is as defined in Section 60.1 of Title 22  
4 of the Oklahoma Statutes;

5 3. "Earned paid sick time" means time that is compensated at  
6 the same hourly rate and with the same benefits, including health  
7 care benefits, as the employee normally earns during hours worked  
8 and is provided by an employer to an employee for the purposes  
9 described in Section 4 of this act, but in no case shall this hourly  
10 amount be less than that provided under 29 U.S.C., Section  
11 206(a) (1);

12 4. "Employee" shall mean any person performing or applying for  
13 work or service of any kind or character for hire, as defined in  
14 Section 52 of Title 40 of the Oklahoma Statutes. "Employee"  
15 includes recipients of public benefits who are engaged in work  
16 activity as a condition of receiving public assistance;

17 5. "Employer" is as defined in the Fair Labor Standards Act, 29  
18 U.S.C., Section 203(d). For the purposes of this act, "employer"  
19 does not include the United States government;

20 6. "Family member" means:

- 21 a. regardless of age, a biological, adopted or foster  
22 child, stepchild or legal ward, a child of a domestic  
23 partner, a child to whom the employee stands in loco  
24

- 1           parentis, or an individual to whom the employee stood  
2           in loco parentis when the individual was a minor,
- 3           b.    a biological, foster, stepparent or adoptive parent or  
4           legal guardian of an employee or an employee's spouse  
5           or domestic partner or a person who stood in loco  
6           parentis when the employee or employee's spouse or  
7           domestic partner was a minor child,
- 8           c.    a person to whom the employee is legally married under  
9           the laws of any state, under common law, or a domestic  
10          partner of an employee as registered under the laws of  
11          any state or political subdivision,
- 12          d.    a grandparent, grandchild or sibling, whether of a  
13          biological, foster, adoptive or step relationship, of  
14          the covered individual or the covered individual's  
15          spouse or domestic partner,
- 16          e.    a person for whom the employee is responsible for  
17          providing or arranging care, including but not limited  
18          to helping that individual obtain diagnostic,  
19          preventive, routine or therapeutic health treatment,  
20          or
- 21          f.    any other individual related by blood or affinity  
22          whose close association with the employee is the  
23          equivalent of a family relationship;
- 24

1       7. "Harassment" is as defined in Section 60.1 of Title 22 of  
2 the Oklahoma Statutes;

3       8. "Health care professional" means any person licensed under  
4 federal or Oklahoma law to provide medical or emergency services,  
5 including but not limited to doctors, nurses, certified midwives and  
6 emergency room personnel;

7       9. "Retaliatory personnel action" means denial of any right  
8 guaranteed under this act and any threat, discharge, suspension,  
9 demotion, reduction of hours, reporting or threatening to report an  
10 employee's suspected citizenship or immigration status, or the  
11 suspected citizenship or immigration status of a family member of  
12 the employee to a federal, state or local agency, or any other  
13 adverse action against an employee for the exercise of any right  
14 guaranteed herein including any sanctions against an employee who is  
15 the recipient of public benefits for rights guaranteed pursuant to  
16 this act. Retaliation shall also include interference with or  
17 punishment for in any manner participating in or assisting an  
18 investigation, proceeding or hearing pursuant to this act;

19       10. "Sexual assault" is as defined in Section 142.20 of Title  
20 21 of the Oklahoma Statutes;

21       11. "Stalking" is as defined in Section 60.1 of Title 22 of the  
22 Oklahoma Statutes;

1 12. "Year" means a regular and consecutive twelve-month period  
2 as determined by the employer, except that for the purposes of  
3 Sections 6 and 8 of this act "year" shall mean a calendar year;

4 SECTION 3. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 903 of Title 40, unless there is  
6 created a duplication in numbering, reads as follows:

7 A. All employees shall accrue a minimum of one (1) hour of  
8 earned paid sick time for every thirty (30) hours worked. Employees  
9 shall not accrue more than forty (40) hours of earned paid sick time  
10 in a year, unless the employer selects a higher limit.

11 B. Employees who are exempt from overtime requirements pursuant  
12 to 29 U.S.C., Section 213(a)(1) of the Federal Fair Labor Standards  
13 Act shall be assumed to work forty (40) hours in each work week for  
14 purposes of earned paid sick time accrual unless their normal work  
15 week is less than forty (40) hours, in which case earned paid sick  
16 time accrues based upon that normal work week.

17 C. Earned paid sick time as provided in this section shall  
18 begin to accrue at the commencement of employment or on the date  
19 this law goes into effect, whichever is later. An employer may  
20 provide all paid sick time that an employee is expected to accrue in  
21 a year at the beginning of the year.

22 D. Employees may use earned paid sick time as it is accrued,  
23 except that an employer may require an employee hired after the  
24 effective date of this act to wait until the ninetieth calendar day

1 after commencing employment before using accrued earned paid sick  
2 time, unless otherwise permitted by the employer.

3 E. Earned paid sick time shall be carried over to the following  
4 year. Alternatively, in lieu of carryover of unused earned paid  
5 sick time from one year to the next, an employer may pay an employee  
6 for unused earned paid sick time at the end of a year and provide  
7 the employee with an amount of paid sick time that meets or exceeds  
8 the requirements of the Healthy Families and Workplaces Act that is  
9 available for the employee's immediate use at the beginning of the  
10 subsequent year.

11 F. Any employer with a paid leave policy, such as a paid time-  
12 off policy, who makes available an amount of paid leave sufficient  
13 to meet the accrual requirements of this section that may be used  
14 for the same purposes and under the same conditions as earned paid  
15 sick time pursuant to this act is not required to provide additional  
16 paid sick time.

17 G. Nothing in this section shall be construed as requiring  
18 financial or other reimbursement to an employee from an employer  
19 upon the employee's termination, resignation, retirement or other  
20 separation from employment for accrued earned paid sick time that  
21 has not been used.

22 H. If an employee is transferred to a separate division, entity  
23 or location, but remains employed by the same employer, the employee  
24 is entitled to all earned paid sick time accrued at the prior

1 division, entity or location and is entitled to use all earned paid  
2 sick time as provided in this section. When there is a separation  
3 from employment and the employee is rehired within nine (9) months  
4 of separation by the same employer, previously accrued earned paid  
5 sick time that had not been used shall be reinstated. Further, the  
6 employee shall be entitled to use accrued earned paid sick time and  
7 accrue additional earned paid sick time at the recommencement of  
8 employment.

9 I. When a different employer succeeds or takes the place of an  
10 existing employer, all employees of the original employer who remain  
11 employed by the successor employer are entitled to all earned paid  
12 sick time they accrued when employed by the original employer, and  
13 are entitled to use earned paid sick time previously accrued.

14 J. At its discretion, an employer may loan earned paid sick  
15 time to an employee in advance of accrual by such employee.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 904 of Title 40, unless there is  
18 created a duplication in numbering, reads as follows:

19 A. Earned paid sick time shall be provided to an employee by an  
20 employer for:

21 1. An employee's mental or physical illness, injury or health  
22 condition; an employee's need for medical diagnosis, care or  
23 treatment of a mental or physical illness, injury or health  
24 condition; or an employee's need for preventive medical care;

1           2. Care of a family member with a mental or physical illness,  
2 injury or health condition; care of a family member who needs  
3 medical diagnosis, care or treatment of a mental or physical  
4 illness, injury or health condition; care of a family member who  
5 needs preventive medical care; or in the case of a child, to attend  
6 a school meeting or a meeting at a place where the child is  
7 receiving care necessitated by the child's health condition or  
8 disability, domestic violence, sexual assault, harassment or  
9 stalking;

10           3. Closure of the employee's place of business by order of a  
11 public official due to a public health emergency or an employee's  
12 need to care for a child whose school or place of care has been  
13 closed by order of a public official due to a public health  
14 emergency, or care for oneself or a family member when it has been  
15 determined by the health authorities having jurisdiction or by a  
16 health care provider that the employee's or family member's presence  
17 in the community may jeopardize the health of others because of his  
18 or her exposure to a communicable disease, whether or not the  
19 employee or family member has actually contracted the communicable  
20 disease; or

21           4. Absence necessary due to domestic violence, sexual assault,  
22 harassment or stalking, provided the leave is to allow the employee  
23 to obtain for the employee or the employee's family member:  
24



- a. medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, harassment or stalking,
- b. services from a victim services organization,
- c. psychological or other counseling,
- d. relocation or taking steps to secure an existing home due to the domestic violence, sexual assault, harassment or stalking, or
- e. legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from the domestic violence, sexual assault, harassment or stalking.

B. Earned paid sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the employer. When possible, the request shall include the expected duration of the absence.

C. When the use of earned paid sick time is foreseeable, the employee shall make a good-faith effort to provide notice of the need for such time to the employer in advance of the use of the earned paid sick time and shall make a reasonable effort to schedule the use of earned paid sick time in a manner that does not unduly disrupt the operations of the employer.

1 D. An employer that requires notice of the need to use earned  
2 paid sick time where the need is not foreseeable shall provide a  
3 written policy that contains procedures for the employee to provide  
4 notice. An employer that has not provided to the employee a copy of  
5 its written policy for providing such notice shall not deny earned  
6 paid sick time to the employee based on noncompliance with such a  
7 policy.

8 E. An employer may not require, as a condition of an employee's  
9 taking earned paid sick time, that the employee search for or find a  
10 replacement worker to cover the hours during which the employee is  
11 using earned paid sick time.

12 F. Earned paid sick time may be used in the smaller of hourly  
13 increments or the smallest increment that the employer's payroll  
14 system uses to account for absences or use of other time.

15 G. For earned paid sick time of three (3) or more consecutive  
16 workdays, an employer may require reasonable documentation that the  
17 earned paid sick time has been used for a purpose provided by  
18 subsection A of this section. Documentation signed by a health care  
19 professional indicating that earned paid sick time is necessary  
20 shall be considered reasonable documentation for purposes of this  
21 section. In cases of domestic violence, sexual assault, harassment  
22 or stalking, one of the following types of documentation selected by  
23 the employee shall be considered reasonable documentation:  
24

1           1. A police report indicating that the employee or the  
2 employee's family member was a victim of domestic violence, sexual  
3 assault, harassment or stalking;

4           2. A signed statement from a victim and witness advocate  
5 affirming that the employee or employee's family member is receiving  
6 services from a victim services organization; or

7           3. A court document indicating that the employee or employee's  
8 family member is involved in legal action related to domestic  
9 violence, sexual assault, harassment or stalking.

10           An employer may not require that the documentation explain the  
11 nature of the illness or the details of the domestic violence,  
12 sexual assault, harassment or stalking. If an employer chooses to  
13 require documentation for earned paid sick time and the employer  
14 does not offer health insurance to the employee, then the employer  
15 is responsible for paying all out-of-pocket expenses the employee  
16 incurs in obtaining the documentation. If the employee does have  
17 health insurance, the employer is responsible for paying any costs  
18 charged to the employee by the health care provider for providing  
19 the specific documentation required by the employer.

20           The employer is responsible for paying any costs charged to the  
21 employee for documentation of domestic violence, sexual assault,  
22 harassment or stalking required by the employer.

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24

1           SECTION 5.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 905 of Title 40, unless there is  
3 created a duplication in numbering, reads as follows:

4           A. It shall be unlawful for an employer or any other person to  
5 interfere with, restrain, or deny the exercise of, or the attempt to  
6 exercise, any right protected under the Healthy Families and  
7 Workplaces Act.

8           B. An employer shall not take retaliatory personnel action or  
9 discriminate against an employee or former employee because the  
10 person has exercised rights protected under this act. Such rights  
11 include but are not limited to:

12           1. The right to request or use earned paid sick time pursuant  
13 to this act;

14           2. The right to file a complaint with the Department or courts  
15 or inform any person about any employer's alleged violation of this  
16 act;

17           3. The right to participate in an investigation, hearing or  
18 proceeding or cooperate with or assist the Department in its  
19 investigations of alleged violations of this act; and

20           4. The right to inform any person of his or her potential  
21 rights pursuant to this act.

22           C. It shall be unlawful for an employer's absence-control  
23 policy to count earned paid sick time taken under this act as an  
24

1 absence that may lead to or result in discipline, discharge,  
2 demotion, suspension or any other adverse action.

3 D. Protections of this section shall apply to any person who  
4 mistakenly but in good faith alleges violations of this act.

5 E. There shall be a rebuttable presumption of unlawful  
6 retaliatory personnel action under this section whenever an employer  
7 takes adverse action against a person within ninety (90) days of  
8 when that person:

9 1. Files a complaint with the Department or a court alleging a  
10 violation of any provision of this act;

11 2. Informs any person about an employer's alleged violation of  
12 this act;

13 3. Cooperates with the Department or other persons in the  
14 investigation or prosecution of any alleged violation of this act;

15 4. Opposes any policy, practice or act that is unlawful under  
16 this act; or

17 5. Informs any person of his or her rights under this act.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 906 of Title 40, unless there is  
20 created a duplication in numbering, reads as follows:

21 A. Employers shall give employees written notice of the  
22 following at the commencement of employment or by the effective date  
23 of this act, whichever is later:

24

1 1. Employees are entitled to earned paid sick time and the  
2 amount of earned paid sick time;

3 2. The terms of its use guaranteed pursuant to the Healthy  
4 Families and Workplaces Act;

5 3. That retaliatory personnel action against employees who  
6 request or use earned paid sick time is prohibited;

7 4. That each employee has the right to file a complaint or  
8 bring a civil action if earned paid sick time as required by this  
9 act is denied by the employer or the employee is subjected to  
10 retaliatory personnel action for requesting or taking earned paid  
11 sick time; and

12 5. The contact information for the Department where questions  
13 about rights and responsibilities pursuant to this act can be  
14 answered.

15 B. The notice required in subsection A of this section shall be  
16 in English, Spanish and any language that is the first language  
17 spoken by at least five percent (5%) of the employer's workforce,  
18 provided that such notice has been provided by the Department.

19 C. The amount of earned paid sick time available to the  
20 employee, the amount of earned paid sick time taken by the employee  
21 to date in the year and the amount of pay the employee has received  
22 as earned paid sick time shall be recorded in, or on an attachment  
23 to, the employee's regular paycheck.

24

1 D. Employers shall display a poster that contains the  
2 information required in subsection A of this section in a  
3 conspicuous and accessible place in each establishment where such  
4 employees are employed. The poster displayed shall be in English,  
5 Spanish and any language that is the first language spoken by at  
6 least five percent (5%) of the employer's workforce, provided that  
7 such poster has been provided by the Department.

8 E. The Department shall create and make available to employers,  
9 in all languages spoken by more than five percent (5%) of the  
10 state's workforce and any language deemed appropriate by the  
11 Department, model notices and posters that contain the information  
12 required pursuant to subsection A of this section for employers' use  
13 in complying with this section.

14 F. An employer who willfully violates the notice and posting  
15 requirements of this section shall be subject to a civil fine in an  
16 amount not to exceed One Hundred Dollars (\$100.00) for each separate  
17 offense.

18 SECTION 7. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 907 of Title 40, unless there is  
20 created a duplication in numbering, reads as follows:

21 Employers shall retain records documenting hours worked by  
22 employees and earned paid sick time taken by employees for a period  
23 of three (3) years, and shall allow the Department access to such  
24 records, with appropriate notice and at a mutually agreeable time,

1 to monitor compliance with the requirements of the Healthy Families  
2 and Workplaces Act. When an issue arises as to an employee's  
3 entitlement to earned paid sick time under this section, if the  
4 employer does not maintain or retain adequate records documenting  
5 hours worked by the employee and earned paid sick time taken by the  
6 employee, or does not allow the Department reasonable access to such  
7 records, it shall be presumed that the employer has violated the  
8 act, absent clear and convincing evidence otherwise.

9 SECTION 8. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 908 of Title 40, unless there is  
11 created a duplication in numbering, reads as follows:

12 The Department shall be authorized to coordinate implementation  
13 and enforcement of the Healthy Families and Workplaces Act and shall  
14 promulgate rules for such purposes.

15 SECTION 9. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 909 of Title 40, unless there is  
17 created a duplication in numbering, reads as follows:

18 A. Administrative Enforcement.

19 1. The Department shall enforce the provisions of the Healthy  
20 Families and Workplaces Act. In effectuating such enforcement, the  
21 Department shall establish a system utilizing multiple means of  
22 communication to receive complaints regarding noncompliance with  
23 this act and investigate complaints received by the Department in a  
24 timely manner.



1           2. Any person alleging a violation of this act shall have the  
2 right to file a complaint with the Department within three (3) years  
3 of the date the person knew or should have known of the alleged  
4 violation. The Department shall encourage reporting pursuant to  
5 this subsection by keeping confidential, to the maximum extent  
6 permitted by applicable laws, the name and other identifying  
7 information of the employee or person reporting the violation;  
8 provided, however, that with the authorization of such person, the  
9 Department may disclose his or her name and identifying information  
10 as necessary to enforce this act or for other appropriate purposes.

11           3. Upon receiving a complaint alleging a violation of this act,  
12 the Department shall investigate such complaint and attempt to  
13 resolve it through mediation between the complainant and the subject  
14 of the complaint, or other means. The Department shall keep  
15 complainants notified regarding the status of their complaint and  
16 any resultant investigation. If the Department believes that a  
17 violation has occurred it shall issue to the offending person or  
18 entity a notice of violation and the relief required of the  
19 offending person or entity. The Department shall prescribe the form  
20 and wording of such notices of violation including any method of  
21 appealing the decision of the Department.

22           4. The Department shall have the power to impose penalties  
23 provided for in this act and to grant an employee or former employee  
24 all appropriate relief. Any employer who fails to pay the earned

1 sick time required under this act shall be required to pay the  
2 employee the balance of the earned sick time owed, including ten  
3 percent (10%) of such amount due as a penalty, and an additional  
4 amount equal to twice the underpaid earned sick time. Any employer  
5 who retaliates against an employee or other person in violation of  
6 this act shall be required to pay the employee an amount set by the  
7 Department or a court sufficient to compensate the employee and  
8 deter future violations, but not less than One Hundred Fifty Dollars  
9 (\$150.00) for each day that the violation continued or until legal  
10 judgment is final. The Department and the courts shall have the  
11 authority to order payment for such unpaid earned sick time, other  
12 amounts and civil penalties and to order any other appropriate legal  
13 or equitable relief for violations of this act. Civil penalties  
14 shall be retained by the agency that recovered them and used to  
15 finance activities to enforce this act. A prevailing plaintiff  
16 shall be entitled to reasonable attorney fees and costs of suit.

17 5. Any entity or person found to be in violation of the  
18 provisions of this act shall be liable for a civil penalty payable  
19 to the Department not to exceed Five Hundred Dollars (\$500.00) for  
20 the first violation and, for subsequent violations that occur within  
21 two (2) years of any previous violation, not to exceed One Thousand  
22 Five Hundred Dollars (\$1,500.00) for the second violation and not to  
23 exceed Three Thousand Dollars (\$3,000.00) for each successive  
24 violation.

1       6. The Department shall annually report on its website:

2       1. The number and nature of the complaints received pursuant to  
3 this act;

4       2. The results of investigations undertaken pursuant to this  
5 act, including the number of complaints not substantiated and the  
6 number of notices of violations issued;

7       3. The number and nature of adjudications pursuant to this act;  
8 and

9       4. The average time for a complaint to be resolved pursuant to  
10 this act.

11       B. Civil Enforcement.

12       1. The Department, the Attorney General, or any person  
13 aggrieved by a violation of this act, or any entity a member of  
14 which is aggrieved by a violation of this act, may bring a civil  
15 action in a court of competent jurisdiction against an employer  
16 violating this act. Such action may be brought by a person  
17 aggrieved by a violation of this act without first filing an  
18 administrative complaint.

19       2. Upon prevailing in an action brought pursuant to this  
20 section, aggrieved persons shall recover double the full amount of  
21 any unpaid earned sick time, less any amount of earned sick leave  
22 actually paid to such employee by the employer, and the actual  
23 amount of court costs and reasonable attorney fees.

1       3. Upon prevailing in an action brought pursuant to this  
2 section, aggrieved persons shall be entitled to such legal or  
3 equitable relief as may be appropriate to remedy the violation,  
4 including, without limitation, reinstatement to employment, back pay  
5 and injunctive relief.

6       4. Any person aggrieved by a violation of this act may file a  
7 complaint with the Attorney General. The filing of a complaint with  
8 the Attorney General will not preclude the filing of a civil action.

9       5. The Attorney General may bring a civil action to enforce  
10 this act. The Attorney General may seek injunctive relief. In  
11 addition to injunctive relief, or in lieu thereof, for any employer  
12 or other person found to have willfully violated this act the  
13 Attorney General may seek to impose a fine of One Thousand Dollars  
14 (\$1,000.00) per violation, payable to the Office of the Attorney  
15 General.

16       6. The statute of limitations for a civil action brought  
17 pursuant to this section shall be for a period of three (3) years  
18 from the date the alleged violation occurred or the date the  
19 employee knew or should have known of the violation, and may  
20 encompass all violations that occurred as part of a continuing  
21 course of employer conduct regardless of their date. The statute of  
22 limitations shall be tolled during any investigation of an employer  
23 by the Department or other law enforcement officer, but such  
24 investigation shall not bar a person from bringing a civil action

1 under this act. No verbal or written contract may waive any rights  
2 under this act.

3 7. Actions brought pursuant to this section may be brought as a  
4 class action pursuant to the laws of this state.

5 SECTION 10. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 910 of Title 40, unless there is  
7 created a duplication in numbering, reads as follows:

8 An employer shall not require disclosure of details relating to  
9 domestic violence, sexual assault, harassment or stalking or the  
10 details of an employee's or an employee's family member's health  
11 information as a condition of providing earned paid sick time  
12 pursuant to the Healthy Families and Workplaces Act. If an employer  
13 possesses health information or information pertaining to domestic  
14 violence, sexual assault, harassment or stalking about an employee  
15 or employee's family member, such information shall be treated as  
16 confidential and not disclosed except to the affected employee or  
17 with the permission of the affected employee.

18 SECTION 11. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 911 of Title 40, unless there is  
20 created a duplication in numbering, reads as follows:

21 A. Nothing in the Healthy Families and Workplaces Act shall be  
22 construed to discourage or prohibit an employer from the adoption or  
23 retention of an earned paid sick time policy more generous than the  
24 one required herein.

1 B. Nothing in this act shall be construed as diminishing the  
2 obligation of an employer to comply with any contract, collective  
3 bargaining agreement, employment benefit plan or other agreement  
4 providing more generous paid sick time to an employee than required  
5 herein. Nothing in this act shall be construed as diminishing the  
6 rights of public employees regarding paid sick time or use of paid  
7 sick time as provided in Sections 509.1 through 509.10 of Title 70  
8 of the Oklahoma Statutes and Sections 51-101 through 51-112 of Title  
9 11 of the Oklahoma Statutes.

10 C. Nothing in this act shall be construed to supersede any  
11 provision of any local law that provides greater rights to paid sick  
12 time than the rights established under this act.

13 SECTION 12. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 912 of Title 40, unless there is  
15 created a duplication in numbering, reads as follows:

16 The Healthy Families and Workplaces Act provides minimum  
17 requirements pertaining to earned paid sick time and shall not be  
18 construed to preempt, limit or otherwise affect the applicability of  
19 any other law, regulation, requirement, policy or standard that  
20 provides for greater accrual or use by employees of earned paid sick  
21 time or that extends other protections to employees.

22 SECTION 13. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 913 of Title 40, unless there is  
24 created a duplication in numbering, reads as follows:

1       The Department shall develop and implement a multilingual  
2 outreach program to inform employees, parents and persons who are  
3 under the care of a health care provider about the availability of  
4 earned paid sick time pursuant to the Healthy Families and  
5 Workplaces Act. This program shall include the distribution of  
6 notices and other written materials in English, Spanish and any  
7 language that is the first language spoken by at least five percent  
8 (5%) of the state's population to all child care and elder care  
9 providers, domestic violence shelters, schools, hospitals, community  
10 health centers and other health care providers.

11       SECTION 14. This act shall become effective November 1, 2017.

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13       56-1-5414       LRB       01/10/17

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