

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3213

By: Griffith

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5
6 AS INTRODUCED

7 An Act relating to state government; stating
8 legislative findings; amending 74 O.S. 2011, Section
9 1332, which relates to the Disability Insurance
10 Program; providing for certain eligibility for short-
11 term disability plan; requiring certain assistance in
12 rulemaking; providing exemption; providing for
13 noncodification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 A. This act shall be known and may be cited as the "Paid Family
18 Leave Act of 2018".

19 B. The Legislature finds and declares the following:

20 1. It is in the public benefit to provide family temporary
21 disability insurance benefits to workers to care for their family
22 members. The need for family temporary disability insurance
23 benefits has intensified as the participation of both parents in the
24 workforce has increased and the number of single parents in the
workforce has grown. The need for partial wage replacement for

1 workers taking family care leave will increase as the population of
2 those needing care, both children and parents of workers, increases
3 in relation to the number of working-age adults; and

4 2. Developing systems that help families adapt to the competing
5 interests of work and home not only benefits workers, but also
6 benefits employers by increasing worker productivity and reducing
7 employee turnover.

8 SECTION 2. AMENDATORY 74 O.S. 2011, Section 1332, is
9 amended to read as follows:

10 Section 1332. A. The State and Education Employees Group
11 Insurance Board shall establish a Disability Insurance Program for
12 state employees. The program shall consist of a long-term
13 disability plan and a short-term disability plan. Participation in
14 the program shall be limited to state employees who have been state
15 employees for a period of not less than one (1) month and who are
16 eligible for enrollment in the Health Insurance Plan administered by
17 the Board. No state employee shall be eligible to receive any
18 benefits from the long-term disability program unless the state
19 employee has used all of the sick leave of the employee.

20 B. Effective November 1, 2018, there shall be created as a
21 component of the short-term disability plan, a parental short-term
22 disability program, under which an employee on parental leave shall
23 be eligible to receive short-term disability benefits, in addition
24 and prior to using any accrued leave. For the purposes of this

1 section, an "employee on parental leave" means an employee on leave
2 and who is eligible for such leave under the federal Family and
3 Medical Leave Act because of:

4 1. The birth or adoption of a child;

5 2. The care for a seriously ill child, parent or spouse; or

6 3. The employee's own serious health condition.

7 Disability benefits under this subsection shall be subject to
8 applicable limitations, offsets and reductions as promulgated by the
9 Office of Management and Enterprise Services for the Disability
10 Insurance Program.

11 C. The Board shall promulgate such rules as are necessary for
12 adoption and administration of the Disability Insurance Program,
13 including but not limited to benefit eligibility requirements,
14 methods for computing benefit amounts, ~~benefits amounts,~~ and
15 verification of medical and health status of employees applying for
16 or receiving benefits. The Director of the Office of Management and
17 Enterprise Services shall provide technical assistance as necessary
18 for the Board's promulgation of rules incorporating benefits for
19 parental leave into the rules for the Disability Insurance Program
20 for state employees.

21 ~~B.~~ D. The Disability Insurance Program shall be funded from
22 appropriations made by the Legislature. Employees shall not be
23 required to make contributions to participate in the program.

1 ~~C.~~ E. Employee disability insurance coverage shall begin on
2 March 1, 1986.

3 ~~D.~~ F. The Board shall establish a grievance procedure by which
4 a three-member grievance panel ~~established in the same manner as~~
5 ~~specified in paragraph 6 of Section 1306 of this title~~ shall act as
6 an appeals body for complaints regarding the allowance and payment
7 of claims, eligibility, and other matters. The grievance procedure
8 provided by this subsection shall be the exclusive remedy available
9 to persons having complaints against the insurer. Such grievance
10 procedure shall be subject to the Oklahoma Administrative Procedures
11 Act, including provisions for the review of agency decisions by the
12 district court. The grievance panel shall schedule a hearing
13 regarding the allowance and payment of claims, eligibility and other
14 matters within sixty (60) days from the date the grievance panel
15 receives a written request for a hearing. Upon written request to
16 the grievance panel received not less than ten (10) days before the
17 hearing date, the grievance panel shall cause a full stenographic
18 record of the proceedings to be made by a licensed or certified
19 court reporter at the insured employee's expense.

20 ~~E.~~ G. The Board may establish a claim processing division for
21 claims administration or may contract for claims administration
22 services with a private insurance carrier or a company that
23 specializes in claims administration of any insurance that the Board
24 may be directed to offer.

1 H. Disabled persons employed through a supported employment
2 program as described in the federal Rehabilitation Act amendments of
3 1992 and who are ineligible to receive temporary disability benefits
4 because their pay is too low may elect to be exempt from the
5 provisions of this section.

6 SECTION 3. This act shall become effective November 1, 2018.

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