

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2523

By: McDaniel

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5  
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,  
8 Sections 2-207, as amended by Section 2, Chapter 196,  
9 O.S.L. 2012, 2-209, as amended by Section 4, Chapter  
10 345, O.S.L. 2017, Section 1, Chapter 58, O.S.L. 2017,  
11 2-303, 2-411, 2-418, as amended by Section 4, Chapter  
12 148, O.S.L. 2013, 2-503, as last amended by Section  
13 6, Chapter 220, O.S.L. 2014, 2-613, as last amended  
14 by Section 6, Chapter 287, O.S.L. 2016, 2-801, 2-803  
15 and 4-509, as amended by Section 7, Chapter 345,  
16 O.S.L. 2017 (40 O.S. Supp. 2017, Sections 2-207, 2-  
17 209, 2-209.1, 2-418, 2-503, 2-613 and 4-509), which  
18 relate to the Employment Security Act of 1980;  
19 modifying wage requirement during base period;  
20 clarifying language; removing exception relating to  
21 educational institutions; adding exceptions for  
22 educational service contractors; modifying  
23 exemptions; altering disqualification to receive  
24 benefits; requiring claim notice to contain certain  
admonition; modifying benefit overpayments; requiring  
certain child support process be served on  
appropriate agency; modifying disclosure of food  
stamp assistance benefits; amending 74 O.S. 2011,  
Section 3111, which relates to the use of social  
security numbers; requiring disclosure of social  
security number to the Oklahoma Employment Security  
Commission; and providing an effective date.

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

1 SECTION 1. AMENDATORY 40 O.S. 2011, Section 2-207, as  
2 amended by Section 2, Chapter 196, O.S.L. 2012 (40 O.S. Supp. 2017,  
3 Section 2-207), is amended to read as follows:

4 Section 2-207. WAGE REQUIREMENT DURING BASE PERIOD.

5 A. The unemployed individual, during the individual's base  
6 period, shall have been paid:

7 1. Taxable wages of not less than One Thousand Five Hundred  
8 Dollars (\$1,500.00); and

9 2. Total wages of not less than one and one-half (1 1/2) times  
10 the amount of wages during that quarter of the individual's base  
11 period in which the wages were highest.

12 B. Notwithstanding the provisions in subsection A of this  
13 section, an unemployed individual shall be eligible for benefits if,  
14 during the individual's base period, he or she shall have been paid:

15 1. Taxable wages of any amount; and

16 2. Total wages equal to or more than the annual amount of  
17 taxable wages that applies to any calendar year in which the claim  
18 for unemployment benefits was filed.

19 C. 1. If an individual lacks sufficient base period wages  
20 ~~under subsection A or B of this section~~ to establish a claim for  
21 benefits under this section, any wages paid in the individual's  
22 alternative base period shall be considered as the individual's base  
23 period wages. Once the alternative base period wages are  
24

1 determined, those wage figures shall be used to determine  
2 eligibility for benefits under subsections A or B of this section.

3 2. If the Commission has not received wage information from the  
4 individual's employer for the most recent calendar quarter of the  
5 alternative base period, the Commission shall accept an affidavit  
6 from the individual supported by wage information such as check  
7 stubs, deposit slips, or other supporting documentation to determine  
8 wages paid.

9 3. A determination of benefits based on an alternative base  
10 period shall be adjusted when the quarterly wage report is received  
11 from the employer, if the wage information in the report differs  
12 from that reported by the individual.

13 4. If alternative base period wages are established by  
14 affidavit of the individual, the employer to which the wages are  
15 attributed will have the right to protest the wages reported. If a  
16 protest is made, the employer must provide documentary evidence of  
17 wages paid to the individual. The Commission will determine the  
18 wages paid based on the preponderance of the evidence presented by  
19 each party.

20 5. Provided, no wages used to establish a claim under an  
21 alternative base period shall be subsequently used to establish a  
22 second benefit year.

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1 SECTION 2. AMENDATORY 40 O.S. 2011, Section 2-209, as  
2 amended by Section 4, Chapter 345, O.S.L. 2017 (40 O.S. Supp. 2017,  
3 Section 2-209), is amended to read as follows:

4 Section 2-209. BENEFITS FOR EMPLOYEES OF GOVERNMENTAL OR  
5 NONPROFIT EMPLOYERS.

6 Benefits based on service in employment defined in paragraph (3)  
7 or (4) of Section 1-210 of this title, including any federally  
8 operated educational institutions, shall be payable in the same  
9 amount, on the same terms and subject to the same conditions as  
10 benefits payable on the basis of other service subject to the  
11 Employment Security Act of 1980, except that:

12 (1) With respect to service performed in an instructional,  
13 research or principal administrative capacity for an educational  
14 institution, benefits shall not be paid based on services for any  
15 week of unemployment commencing during the period between two (2)  
16 successive academic years, or during a similar period between two  
17 regular but not successive terms, or during a period of paid  
18 sabbatical leave provided for in the individual's contract, to any  
19 individual if the individual performs services in the first academic  
20 year or term and if there is a contract or a reasonable assurance  
21 that the individual will perform services in any such capacity for  
22 ~~any~~ the educational institution in the second academic year or term;

23 (2) With respect to services performed in any other capacity  
24 for an educational institution, benefits shall not be paid on the

1 basis of services to any individual for any week which commences  
2 during a period between two (2) successive academic years or terms  
3 if the individual performs services in the first academic year or  
4 term and there is a reasonable assurance that the individual will  
5 perform services in any such capacity in the second academic year or  
6 term, except that if compensation is denied to any individual  
7 pursuant to this paragraph and the individual was not offered an  
8 opportunity to perform services for the educational institution for  
9 the second academic year or term, the individual shall be entitled  
10 to a retroactive payment of compensation for each week for which the  
11 individual filed a timely claim for compensation and for which  
12 compensation was denied solely by reason of this clause;

13 (3) With respect to any services described in paragraphs (1)  
14 and (2) of this section, benefits shall not be payable on the basis  
15 of services in any capacities to any individual for any week which  
16 commences during an established and customary vacation period or  
17 holiday recess if the individual performs services in the period  
18 immediately before the vacation period or holiday recess, and there  
19 is a reasonable assurance that the individual will perform services  
20 in any such capacity in the period immediately following the  
21 vacation period or holiday recess;

22 (4) With respect to any services described in paragraphs (1)  
23 and (2) of this section, benefits shall not be payable on the basis  
24 of services in any capacities as specified in paragraphs (1), (2)

1 and (3) of this section to any individual who performed services in  
2 an educational institution while in the employ of an educational  
3 service agency. For purposes of this paragraph, the term  
4 "educational service agency" means a governmental agency or  
5 governmental entity which is established and operated exclusively  
6 for the purpose of providing services to one or more educational  
7 institutions; and

8 ~~(5) With respect to services to which paragraph (3) or (4) of~~  
9 ~~Section 1-210 of this title applies, if services are provided to or~~  
10 ~~on behalf of an educational institution, benefits shall not be~~  
11 ~~payable under the same circumstances and subject to the same terms~~  
12 ~~and conditions as described in paragraphs (1), (2), (3) and (4) of~~  
13 ~~this section; and~~

14 ~~(6)~~ If an individual has employment with an educational  
15 institution and has employment with a ~~noneducation~~ noneducational  
16 employer or employers during the base period of the individual's  
17 benefit year, the individual may become eligible for benefits during  
18 the between-term denial period, based only on the noneducational  
19 employment.

20 SECTION 3. AMENDATORY Section 1, Chapter 58, O.S.L. 2017  
21 (40 O.S. Supp. 2017, Section 2-209.1), is amended to read as  
22 follows:

23 Section 2-209.1 BENEFITS FOR EMPLOYEES OF EDUCATIONAL SERVICE  
24 CONTRACTORS.

1 A. As used in this section only:

2 1. "Educational service contractor" means a private business  
3 entity that has contracted with one or more educational institutions  
4 to provide workers on-site or on-campus that are assigned to  
5 accomplish tasks deemed necessary by the educational institution;  
6 and

7 2. "Educational institution" means a school, school system,  
8 college or university providing elementary, secondary,  
9 career/technology or higher education and which is operated by an  
10 entity as defined in paragraph (3) or (4) of Section 1-210 of Title  
11 40 of the Oklahoma Statutes.

12 B. Benefits based on service in employment of an educational  
13 service contractor shall be payable in the same amount, on the same  
14 terms and subject to the same conditions as benefits payable on the  
15 basis of other service subject to the Employment Security Act of  
16 1980, except that:

17 1. With respect to service performed in an instructional,  
18 research or principal administrative capacity for an educational  
19 institution, benefits shall not be paid based on services for any  
20 week of unemployment commencing during the period between two (2)  
21 successive academic years, during a similar period between two  
22 regular but not successive terms or during a period of paid  
23 sabbatical leave provided for in the individual's contract, to any  
24 individual if the individual performs services in the first academic

1 year or term and if there is a contract or a reasonable assurance  
2 that the individual will perform services in any such capacity for  
3 ~~any~~ the educational institution in the second academic year or term;  
4 and

5 2. With respect to services performed in any other capacity for  
6 an educational institution, benefits shall not be paid on the basis  
7 of services to any individual for any week which commences during a  
8 period between two (2) successive academic years or terms if the  
9 individual performs services in any such capacity in the first  
10 academic year or term and there is a reasonable assurance that the  
11 individual will perform services in the second academic year or  
12 term, except that if compensation is denied to any individual under  
13 this paragraph and the individual was not offered an opportunity to  
14 perform services for the educational institution for the second  
15 academic year or term, the individual shall be entitled to a  
16 retroactive payment of compensation for each week for which the  
17 individual filed a timely claim for compensation and for which  
18 compensation was denied solely by reason of this paragraph;

19 3. With respect to any services described in paragraphs 1 and 2  
20 of subsection B of this section, benefits shall not be payable on  
21 the basis of services in any capacities to any individual for any  
22 week which commences during an established and customary vacation  
23 period or holiday recess if the individual performs services in the  
24 period immediately before the vacation period or holiday recess, and



1 there is a reasonable assurance that the individual will perform  
2 services in any such capacity in the period immediately following  
3 the vacation period or holiday recess; and

4 4. If an individual has employment with an educational service  
5 contractor and has employment with a noneducational employer or  
6 employers during the base period of the individual's benefit year,  
7 the individual may become eligible for benefits during the between-  
8 term denial period, based only on the noneducational employment.

9 SECTION 4. AMENDATORY 40 O.S. 2011, Section 2-303, is  
10 amended to read as follows:

11 Section 2-303. ASSIGNMENTS VOID, EXEMPTION FROM PROCESS.

12 No assignment, pledge, or encumbrance of any right to benefits  
13 which are or may become due or payable under the Employment Security  
14 Act of 1980 shall be valid. All such rights to benefits shall be  
15 exempt from levy, execution, attachment, or any other remedy  
16 whatsoever provided for the collection of debt. Benefits received  
17 by an individual, so long as they are not mingled with other funds  
18 of the recipient, shall be exempt from any remedy whatsoever for the  
19 collection of all debts during the time the individual was  
20 unemployed, except ~~these debts incurred for necessities furnished to~~  
21 ~~the individual or his or her spouse, or dependents, including for~~  
22 child support obligations pursuant to Section 2-801 of this title,  
23 and debts created due to food ~~stamp~~ purchase assistance  
24 overissuances for which the individual is liable pursuant to Section

1 2-803 of this title. Benefits shall be subject to tax levies issued  
2 by the Internal Revenue Service in accordance with 26 U.S.C.,  
3 Section 6331(h) provided an agreement is entered into between the  
4 Internal Revenue Service and the Oklahoma Employment Security  
5 Commission, and approved by the United States Department of Labor,  
6 that provides for the payment of all administrative costs associated  
7 with processing the tax levies. No waiver of any exemption provided  
8 for in this section shall be valid.

9 SECTION 5. AMENDATORY 40 O.S. 2011, Section 2-411, is  
10 amended to read as follows:

11 Section 2-411. RETIREMENT PAYMENTS.

12 1. Except for any payment or benefit payment made pursuant to  
13 the federal Social Security Act, an individual shall be disqualified  
14 for benefits for any week which begins in a period with respect to  
15 which such individual is receiving a governmental or other pension,  
16 retirement or retired pay, annuity or any other similar periodic  
17 retirement payment which is based on the previous work of such  
18 individual if:

19 a. such pension, retirement or retired pay, annuity or  
20 similar payment is under a plan maintained, or  
21 contributed to, by a base period ~~or~~ and chargeable  
22 employer; and

23 b. in the case of such a payment not made under the  
24 Railroad Retirement Act of 1974, 45 U.S.C., Section

1 231 et seq., services performed for such employer by  
2 the individual after the beginning of the base period,  
3 or remuneration for such services, affect eligibility  
4 for or increase the amount of, such pension,  
5 retirement or retired pay, annuity or similar payment.

6 2. If the total of such remuneration is less than the benefits  
7 which would otherwise be due under the Employment Security Act of  
8 1980, Section 1-101 et seq. of this title, the individual shall be  
9 entitled to receive for such week, if otherwise eligible, benefits  
10 reduced by the amount of such remuneration.

11 3. If payments referred to in this section are being received  
12 by an individual under the federal Social Security Act, the  
13 Commission shall take into account the individual's contribution to  
14 social security and make no reduction in the weekly benefit amount.

15 SECTION 6. AMENDATORY 40 O.S. 2011, Section 2-418, as  
16 amended by Section 4, Chapter 148, O.S.L. 2013 (40 O.S. Supp. 2017,  
17 Section 2-418), is amended to read as follows:

18 Section 2-418. SEEK AND ACCEPT WORK - INDEFINITE  
19 DISQUALIFICATION.

20 A. An individual shall be disqualified to receive benefits for  
21 the full period of unemployment next ensuing after the individual  
22 shall have failed to do any of the following:  
23  
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1           1. Accept an offer of suitable work, as defined by ~~Section~~  
2 Sections 2-408 and 2-409 of this title, from an employer including  
3 any former employer;

4           2. Apply for or accept suitable work, as defined by ~~Section~~  
5 Sections 2-408 and 2-409 of this title, when so directed by the  
6 Commission; or

7           3. Accept employment pursuant to a hiring hall agreement when  
8 so offered.

9 Such disqualification shall continue until the individual has become  
10 reemployed and has earned wages equal to or in excess of ten (10)  
11 times his or her weekly benefit amount.

12           B. An employer who provides evidence of an offer of suitable  
13 work pursuant to paragraph 1 of subsection A of this section shall  
14 be proof of the failure of the individual to meet this requirement  
15 and shall result in the immediate cessation of benefits until a  
16 determination can be made by the Commission. The Commission shall  
17 conduct a timely investigation of any such claim and verify the  
18 offer of suitable work.

19           C. Any individual who shall have failed in any of the  
20 requirements of subsection A of this section due to illness, death  
21 of a family member or other extenuating circumstance beyond his or  
22 her control shall be disqualified for regular benefits under this  
23 section only for the week of the occurrence of such circumstance  
24 beyond his or her control.

1 SECTION 7. AMENDATORY 40 O.S. 2011, Section 2-503, as  
2 last amended by Section 6, Chapter 220, O.S.L. 2014 (40 O.S. Supp.  
3 2017, Section 2-503), is amended to read as follows:

4 Section 2-503. CLAIMS, NOTICES AND OBJECTIONS.

5 A. Claims for benefits shall be made in accordance with all  
6 rules that the Oklahoma Employment Security Commission may  
7 prescribe.

8 B. Promptly after an initial claim or an additional initial  
9 claim is filed, the Commission shall give written notice of the  
10 claim to the last employer of the claimant for whom he or she worked  
11 at least fifteen (15) working days. The required fifteen (15)  
12 working days are not required to be consecutive. Provided, that  
13 promptly after the Commission is notified of the claimant's  
14 separation from an employment obtained by a claimant during a  
15 continued claim series, the Commission shall give written notice of  
16 the claim to the last separating employer. Notices to separating  
17 employers during a continued claim series will be given to the last  
18 employer in the claim week without regard to length of employment.  
19 Each notice shall contain an admonition that failure to respond to  
20 the notice could affect the employer's tax rate.

21 C. Promptly after the claim is paid for the fifth week of  
22 benefits the Commission shall give written notice of the claim to  
23 all other employers of the claimant during the claimant's base  
24

1 period. The notice will be given pursuant to Section 3-106 of this  
2 title.

3 D. Notices shall be deemed given when the Commission deposits  
4 the same in the United States mail addressed to the employer's last-  
5 known address. Notice shall be presumed prima facie to have been  
6 given to the employer to whom addressed on the date stated in the  
7 written notice. If the employer has elected to be notified by  
8 electronic means according to procedures set out in Oklahoma  
9 Employment Security Commission rules, notice shall be deemed to be  
10 given when the Commission transmits the notification by electronic  
11 means.

12 E. Within ten (10) days after the date on the notice or the  
13 date of the postmark on the envelope in which the notice was sent,  
14 whichever is later, an employer may file with the Commission at the  
15 address prescribed in the notice written objections to the claim  
16 setting forth specifically the facts which:

17 1. Make the claimant ineligible for benefits under Sections 2-  
18 201 through 2-210 of this title;

19 2. Disqualify the claimant from benefits under Sections 2-401  
20 through 2-419 of this title; or

21 3. Relieve such employer from being charged for the benefits  
22 wages of such claimant.

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1 F. An untimely employer objection to a claim for unemployment  
2 benefits made pursuant to subsection E of this section may be  
3 allowed for good cause shown.

4 SECTION 8. AMENDATORY 40 O.S. 2011, Section 2-613, as  
5 last amended by Section 6, Chapter 287, O.S.L. 2016 (40 O.S. Supp.  
6 2017, Section 2-613), is amended to read as follows:

7 Section 2-613. BENEFIT OVERPAYMENTS.

8 An overpayment of unemployment benefits shall be classified in  
9 one of three ways with recovery and recoupment to be conducted as  
10 follows:

11 1. Fraud overpayment: in which an individual intentionally  
12 makes a false statement or representation or fails to disclose a  
13 material fact, and has received any sum as benefits to which the  
14 individual was not entitled. The individual shall be liable to  
15 repay this sum, plus a penalty of twenty-five percent (25%) of the  
16 amount of the original overpayment and interest at the rate of one  
17 percent (1%) per month on the unpaid balance of the overpayment, to  
18 the Oklahoma Employment Security Commission. Three-fifths (3/5) of  
19 the penalty amount collected shall be deposited in the Unemployment  
20 Trust Fund for the State of Oklahoma and the remaining two-fifths  
21 (2/5) shall be deposited in the Oklahoma Employment Security  
22 Commission Revolving Fund. The interest shall cease to accrue when  
23 the total accrued interest equals the amount of the overpayment. If  
24 an overpayment is modified, the interest shall cease to accrue when

1 the total accrued interest equals the amount of the modified  
2 overpayment. The Commission shall deduct the principal sum from any  
3 future benefits payable to the individual;

4 2. Claimant error overpayment: in which an individual, by  
5 mistake of law or fact, makes a false statement or representation or  
6 fails to disclose a material fact and has received any sum as  
7 benefits to which the individual was not entitled. The individual  
8 shall be liable to repay this sum, plus interest at the rate of one  
9 percent (1%) per month on the unpaid balance of the overpayment, to  
10 the Commission. The interest shall cease to accrue when the total  
11 accrued interest equals the amount of the overpayment. If an  
12 overpayment is modified, the interest shall cease to accrue when the  
13 total accrued interest equals the amount of the modified  
14 overpayment. The Commission shall deduct the principal sum from any  
15 future benefits payable to the individual; or

16 3. Administrative overpayment - in which:

17 a. an individual has received any sum as benefits under  
18 the Employment Security Act of 1980 due to an error by  
19 the Commission or an employer, or

20 b. an individual has received benefits and, ~~under a~~  
21 ~~redetermination or a reversal of a decision on appeal,~~  
22 ~~the individual has been found to be not entitled to~~  
23 ~~benefits~~ the decision to grant benefits was reversed  
24 at a higher level of appeal.



1 The individual shall be liable to have this sum deducted from any  
2 future benefits payable to the individual with respect to the  
3 benefit year current at the time of the receipt and the next  
4 subsequent benefit year that begins within one (1) year after the  
5 expiration of the benefit year current at the time of the receipt.

6 No interest shall accrue on administrative overpayments. An  
7 individual may voluntarily repay an administrative overpayment with  
8 private funds.

9 SECTION 9. AMENDATORY 40 O.S. 2011, Section 2-801, is  
10 amended to read as follows:

11 Section 2-801. CHILD SUPPORT OBLIGATIONS.

12 A. Beginning October 1, 1982, any individual filing a new claim  
13 for unemployment compensation shall, at the time of filing such  
14 claim, disclose whether or not the individual owes child support  
15 obligations. If any such individual discloses that he or she owes  
16 child support obligations, and is determined to be eligible for  
17 unemployment compensation, the Commission shall notify the state or  
18 local child support enforcement agency enforcing such obligation  
19 that the individual has been determined to be eligible for  
20 unemployment compensation.

21 B. The Commission shall deduct and withhold from any  
22 unemployment compensation payable to an individual that owes child  
23 support obligations:

24

1 (1) the amount specified by the individual to the Commission to  
2 be deducted and withheld under this subsection, if neither  
3 paragraphs (2) or (3) of this subsection are applicable, or

4 (2) the amount, if any, determined pursuant to an agreement  
5 submitted to the Commission under 42 U.S.C., Section 654(19)(B)(i)  
6 by the state or local child support enforcement agency, unless  
7 paragraph (3) of this subsection is applicable, or

8 (3) any amount otherwise required to be so deducted and  
9 withheld from such unemployment compensation pursuant to legal  
10 process, which shall mean any writ, order, summons or other similar  
11 process in the nature of garnishment, which:

12 (a) is issued by:

13 (i) a court of competent jurisdiction within any  
14 state, territory or possession of the United  
15 States,

16 (ii) a court of competent jurisdiction in any foreign  
17 country with which the United States has entered  
18 into an agreement which requires the United  
19 States to honor such process, or

20 (iii) an authorized official pursuant to an order of  
21 such a court of competent jurisdiction or  
22 pursuant to state or local law, and

23 (b) is directed to, and the purpose of which is to compel,  
24 a governmental entity, which holds monies which are

1 otherwise payable to an individual, to make a payment  
2 from such monies to another party in order to satisfy  
3 a legal obligation of such individual to provide child  
4 support.

5 C. All court orders, garnishments, income assignments, levies,  
6 attachments or other legal process issued to collect child support  
7 through a deduction from unemployment benefits shall be served on  
8 the appropriate state or local child support enforcement agency. If  
9 this type of document is served on the Oklahoma Employment Security  
10 Commission, the document shall be forwarded to the appropriate state  
11 or local child support enforcement agency, and service of process of  
12 that document shall not be deemed complete until the document is  
13 received by that office.

14 D. Any amount deducted and withheld under subsection B of this  
15 section shall be paid by the Commission to the appropriate state or  
16 local child support enforcement agency.

17 ~~D.~~ E. Any amount deducted and withheld under subsection B of  
18 this section shall for all purposes be treated as if it were paid to  
19 the individual as unemployment compensation and paid by such  
20 individual to the state or local child support enforcement agency in  
21 satisfaction of the individual's child support obligations.

22 ~~E.~~ F. For purposes of subsections A through ~~D~~ E of this  
23 section, the term "unemployment compensation" means any compensation  
24 payable under the Employment Security Act of 1980, Section 1-101 of

1 this title, including amounts payable by the Commission pursuant to  
2 an agreement under any federal law providing for compensation,  
3 assistance or allowances with respect to unemployment.

4 ~~F.~~ G. This section applies only if appropriate arrangements  
5 have been made for reimbursement by the state or local child support  
6 enforcement agency for the administrative costs, as determined by  
7 the Commission, incurred by the Commission under this section which  
8 are attributable to child support obligations being enforced by the  
9 state or local child support enforcement agency.

10 ~~G.~~ H. For purposes of this section:

11 (1) "Child support obligations" means only obligations which  
12 are being enforced pursuant to a plan described in 42 U.S.C.,  
13 Section 654, which has been approved by the Secretary of Health and  
14 Human Services under 42 U.S.C., Section 651 et seq.

15 (2) "State or local child support enforcement agency" means any  
16 agency of a state or a political subdivision thereof, operating  
17 pursuant to a plan described in 42 U.S.C., Section 654, which has  
18 been approved by the Secretary of Health and Human Services under 42  
19 U.S.C., Section 651 et seq.

20 (3) Deductions from unemployment insurance authorized by  
21 subsection B of this section in satisfaction of child support  
22 obligations are only those obligations defined in paragraph (1) of  
23 subsection G of this section, and the recipient of said deductions  
24 shall be defined as only a state or local child support enforcement

1 agency operating pursuant to an approved plan described in 42  
2 U.S.C., Section 654 and referenced in paragraph (2) of subsection G  
3 of this section.

4 SECTION 10. AMENDATORY 40 O.S. 2011, Section 2-803, is  
5 amended to read as follows:

6 Section 2-803. FOOD ~~STAMPS~~ PURCHASE ASSISTANCE OVERISSUANCES.

7 A. An individual filing a new claim for unemployment  
8 compensation shall, at the time of filing the claim, disclose  
9 whether or not he or she owes an uncollected overissuance of food  
10 ~~stamp coupons~~ purchase assistance benefits, as defined in 7 U.S.C.,  
11 Section 2022(c)(1). The Oklahoma Employment Security Commission  
12 shall notify the state food ~~stamp~~ purchase assistance agency  
13 enforcing such obligations of any individual who discloses that he  
14 or she owes food ~~stamp~~ purchase assistance overissuances and who is  
15 determined to be eligible for unemployment compensation.

16 B. The Commission shall deduct and withhold from any  
17 unemployment compensation payable to an individual who owes an  
18 uncollected overissuance:

19 1. The amount specified by the individual to the Commission to  
20 be deducted and withheld under this section;

21 2. The amount, if any, determined pursuant to an agreement  
22 submitted to the state food ~~stamp~~ purchase assistance agency under 7  
23 U.S.C., Section 2022(c)(3)(A); or

24

1 3. Any amount otherwise required to be deducted and withheld  
2 from unemployment compensation pursuant to 7 U.S.C., Section  
3 2022 (c) (3) (B).

4 C. Any amount deducted and withheld under this section shall be  
5 paid by the Commission to the appropriate state food ~~stamp~~ purchase  
6 assistance agency.

7 D. Any amount deducted and withheld under subsection B of this  
8 section shall for all purposes be treated as if it were paid to the  
9 individual as unemployment compensation and paid by the individual  
10 to the state food ~~stamp~~ purchase assistance agency as repayment of  
11 the individual's uncollected overissuance.

12 E. For purposes of this section, the term "unemployment  
13 compensation" means any compensation payable under this act  
14 including amounts payable by the Commission pursuant to an agreement  
15 under any federal law providing for compensation, assistance, or  
16 allowances with respect to unemployment.

17 F. This section applies only if arrangements have been made for  
18 reimbursement by the state food ~~stamp~~ purchase assistance agency for  
19 the administrative costs incurred by the Commission under this  
20 section which are attributable to the repayment of uncollected  
21 overissuances to the state food ~~stamp~~ purchase assistance agency.

22 SECTION 11. AMENDATORY 40 O.S. 2011, Section 4-509, as  
23 amended by Section 7, Chapter 345, O.S.L. 2017 (40 O.S. Supp. 2017,  
24 Section 4-509), is amended to read as follows:

1 Section 4-509. INFORMATION TO BE FURNISHED TO PUBLIC AGENCIES.

2 A. Subject to such restrictions as the Oklahoma Employment  
3 Security Commission may by rule prescribe, information maintained by  
4 the Commission may be made available to any agency of this or any  
5 other state, or any federal agency, charged with the administration  
6 of an unemployment compensation law or the maintenance of a system  
7 of public employment offices, or the Internal Revenue Service of the  
8 United States Department of the Treasury, the United States Social  
9 Security Administration or the Oklahoma Tax Commission. Any  
10 information obtained in connection with the administration of the  
11 employment service may be made available to:

12 1. Persons or agencies for purposes appropriate to the  
13 operation of a public employment service; or

14 2. Any agency of this state or its political subdivisions that  
15 operate a program or activity designated as a required partner in  
16 the Workforce Innovation and Opportunity Act One-Stop delivery  
17 system pursuant to 29 U.S.C., Section 3151(b)(1), in accordance with  
18 a written agreement entered into between the partner and the  
19 Commission.

20 B. Upon request, the Commission shall furnish to any agency of  
21 the United States charged with the administration of public works or  
22 assistance through public employment, and may furnish to any state  
23 agency similarly charged, the name, address, ordinary occupation,  
24 and employment status of each recipient of benefits and such

1 recipient's rights to further benefits pursuant to the provisions of  
2 the Employment Security Act of 1980. The Commission shall furnish  
3 to public agencies collecting debts created by food ~~stamp~~ purchase  
4 assistance overissuances or administering Transitional Assistance to  
5 Needy Families (TANF) or child support programs, promptly upon  
6 request and in the most economical, effective and timely manner,  
7 information as to:

8 1. Whether an individual has applied for, is receiving or has  
9 received unemployment insurance and the amount;

10 2. The individual's current address;

11 3. Whether the individual has refused employment and if so a  
12 description of the job including the terms, conditions and rate of  
13 pay; and

14 4. Any other information that might be useful in locating any  
15 individual who may have a food ~~stamp~~ purchase assistance  
16 overissuance or an obligation for support.

17 SECTION 12. AMENDATORY 74 O.S. 2011, Section 3111, is  
18 amended to read as follows:

19 Section 3111. A. No state agency, board, commission or other  
20 unit or subdivision of state government shall request or require,  
21 except as otherwise required by law, that any person reveal the  
22 social security number of such person in order to obtain services or  
23 assistance, nor shall any state agency, board, commission or other  
24 unit or subdivision of state government use, for any purpose,



1 numbers which correspond to the social security number of any  
2 person, except as otherwise required by law. Provided that any  
3 state agency, board, commission, unit or subdivision of state  
4 government using social security numbers for a particular purpose  
5 prior to January 1, 1974, may continue to use and require social  
6 security numbers for that purpose only and provided, further, that  
7 the provisions of Section 3101 et seq. of this title shall not be  
8 construed to prohibit the use or requirement of disclosure of one's  
9 social security number if the use of the number is related to the  
10 Social Security Administration or benefits thereunder, or, subject  
11 to the provisions of Section 1-311.1 of Title 63 of the Oklahoma  
12 Statutes, to prohibit the use or requirement of disclosure of the  
13 social security numbers of the mother and father by the Vital  
14 Records Section of the State Department of Health in the  
15 administration of the issuance of birth records.

16 B. The provisions of this section shall not be construed to  
17 prohibit the Oklahoma Tax Commission from requiring the disclosure  
18 by any person of his or her social security number in order to  
19 administer any state tax law, as defined by Section 202 of Title 68  
20 of the Oklahoma Statutes or in order for the State Treasurer to  
21 administer any provision of the Uniform Unclaimed Property Act, if  
22 such administration requires the Tax Commission or State Treasurer  
23 to obtain the social security number of any person.

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1 C. The provisions of this section shall not be construed to  
2 prohibit the Oklahoma Employment Security Commission from requiring  
3 the disclosure by any person of his or her social security number in  
4 order to administer any provision of the Employment Security Act of  
5 1980.

6 D. The provisions of this section shall not prohibit the State  
7 Department of Education or a board of education of a school district  
8 from requesting any student who wishes to enroll in or is enrolled  
9 in any public school in this state to disclose the social security  
10 ~~account~~ number of the student in order for the Department to  
11 administer any provision of the Oklahoma School Testing Program Act,  
12 for the collection of appropriate and necessary data pursuant to the  
13 Oklahoma Educational Indicators Program, for the purpose of  
14 determining student enrollment, to establish a mobility rate or for  
15 the allocation of State Aid Formula and midyear adjustment in  
16 funding for student growth. The State Department of Education or a  
17 board of education of a school district shall not deny to any  
18 student any right, benefit, or privilege provided by law because of  
19 the refusal by the student to disclose the social security ~~account~~  
20 number of the student. If the State Department of Education or a  
21 board of education of a school district requests a student to  
22 disclose the student's social security ~~account~~ number, the State  
23 Department of Education or a board of education of a school district  
24

1 shall inform the student by what statutory or other authority such  
2 number is solicited and what uses will be made of the number.

3 ~~D.~~ E. The State Board of Education is authorized to develop an  
4 alternative accountability system for tracking students to  
5 administer any provision of the Oklahoma School Testing Program Act,  
6 for the collection of appropriate and necessary data pursuant to the  
7 Oklahoma Educational Indicators Program, for the purpose of  
8 determining student enrollment, to establish a mobility rate or for  
9 the allocation of State Aid Formula and midyear adjustment in  
10 funding for student growth. The accountability system shall be  
11 developed only if, in the determination of the Board, the provisions  
12 of subsection C of this section are not sufficient to allow for the  
13 adequate implementation of the provisions of the Oklahoma School  
14 Testing Program Act or the Oklahoma Educational Indicators Program.

15 SECTION 13. This act shall become effective November 1, 2018.

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