

1 ENGROSSED SENATE
2 BILL NO. 924

By: Coleman of the Senate

3 and

4 Tedford of the House

5
6 An Act relating to the Employment Security Act of
7 1980; amending 40 O.S. 2021, Section 1-201, as last
8 amended by Section 1, Chapter 114, O.S.L. 2024 (40
9 O.S. Supp. 2024, Section 1-201), which relates to
10 definitions; defining term; amending 40 O.S. 2021,
11 Section 1-224, as last amended by Section 2, Chapter
12 114, O.S.L. 2024 (40 O.S. Supp. 2024, Section 1-224),
13 which relates to filing; authorizing the Oklahoma
14 Employment Security Commission to modify appeal
15 filing requirements under certain circumstances;
16 amending 40 O.S. 2021, Section 2-610, which relates
17 to judicial review; allowing certain case to be
18 dismissed upon failure to provide certain
19 information; amending 40 O.S. 2021, Section 4-508, as
20 amended by Section 22, Chapter 360, O.S.L. 2022 (40
21 O.S. Supp. 2024, Section 4-508), which relates to
22 information to be kept confidential; removing
23 reference to specific entities; updating statutory
24 language; and providing an effective date.

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

19 SECTION 1. AMENDATORY 40 O.S. 2021, Section 1-201, as
20 last amended by Section 1, Chapter 114, O.S.L. 2024 (40 O.S. Supp.
21 2024, Section 1-201), is amended to read as follows:

22 Section 1-201. GENERAL DEFINITIONS. As used in the Employment
23 Security Act of 1980:

1 1. "Additional initial claim" means a claim application which
2 reactivates a claim during an existing benefit year and certifies to
3 a period of employment which occurred subsequent to the date of the
4 filing of the last initial, additional, or reopened claim;

5 2. "Alternative base period" means the most recent four (4)
6 completed calendar quarters immediately preceding the first day of
7 an individual's benefit year. In the event that an individual's
8 claim uses an alternative base period to meet the wage requirement
9 under Section 2-207 of this title, this alternative base period
10 shall be substituted for base period for all other purposes under
11 the Employment Security Act of 1980;

12 3. "Assigned tax rate" means the tax rate assigned to an
13 employer pursuant to Section 3-110.1 of this title when the employer
14 does not have sufficient experience history to meet the At-Risk Rule
15 set out in paragraph 3 of Section 3-110.1 of this title;

16 4. "Base period" means the first four (4) of the last five (5)
17 completed calendar quarters immediately preceding the first day of
18 an individual's benefit year;

19 5. "Benefit year" with respect to any individual means the one-
20 year period beginning with the first day of the first week with
21 respect to which the individual first files a valid claim for
22 benefits and thereafter the one-year period beginning with the first
23 day of the first week with respect to which the individual next
24 files a valid claim for benefits after the termination of his or her

1 last preceding benefit year. Any claim for benefits shall be deemed
2 a valid claim for the purpose of this section if the individual has
3 been paid the wages for insured work required under the Employment
4 Security Act of 1980;

5 6. "Benefit wages" means the taxable wages earned by a claimant
6 during the claimant's base period which are not in excess of the
7 current maximum weekly benefit amount, as determined under Section
8 2-104 of this title, multiplied by the maximum number of weeks for
9 which benefits could be paid to any individual pursuant to Section
10 2-106 of this title, multiplied by three (3); provided, however, no
11 wages shall be included as benefit wages unless and until the
12 claimant has been paid benefits for five (5) weeks in one (1)
13 benefit year;

14 7. "Benefits" means the money payments payable to an individual
15 as provided in the Employment Security Act of 1980 with respect to
16 his or her unemployment, including extended benefits. The federal
17 share of such extended benefits shall not be construed as benefits
18 for the purposes of computing contribution rates under the
19 Employment Security Act of 1980;

20 8. "Calendar quarter" means the period of three (3) consecutive
21 calendar months ending on March 31, June 30, September 30, or
22 December 31, or the equivalent thereof as the Oklahoma Employment
23 Security Commission may by regulation prescribe;

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1 9. "Claimant" means an individual who has filed for
2 unemployment benefits with the Commission;

3 ~~9.~~ 10. "Client" shall have the same meaning as provided in
4 paragraph 1 of Section 600.2 of this title;

5 ~~10.~~ 11. "Coemployer" shall have the same meaning as provided in
6 paragraph 2 of Section 600.2 of this title;

7 ~~11.~~ 12. "Coemployment relationship" shall have the same meaning
8 as provided in paragraph 3 of Section 600.2 of this title;

9 ~~12.~~ 13. "Commission" means the Oklahoma Employment Security
10 Commission;

11 ~~13.~~ 14. "Commissioner" means a member of the Commission;

12 ~~14.~~ 15. "Continued claim series" means an uninterrupted series
13 of weekly claims filed by a claimant during the benefit year;

14 ~~15.~~ 16. "Contributions" means the money payments, including
15 taxes and reimbursements, required by the Employment Security Act of
16 1980 to be paid into the Unemployment Compensation Fund by an
17 employer;

18 ~~16.~~ 17. "Covered employee" shall have the same meaning as
19 provided in paragraph 5 of Section 600.2 of this title;

20 ~~17.~~ 18. "Digital portal filing" means electronic communication
21 through the agency digital portal;

22 ~~18.~~ 19. "Earned tax rate" means the tax rate calculated for an
23 employer with sufficient experience history to meet the At-Risk Rule
24 set out in paragraph 3 of Section 3-110.1 of this title, with the

1 tax rate calculated pursuant to the provisions of Section 3-101 et
2 seq. of this title;

3 ~~19.~~ 20. "Electronic e-filing" means filing by email or fax to
4 email;

5 ~~20.~~ 21. "Eligibility period" of an individual for extended
6 benefits means the period consisting of the weeks in his or her
7 benefit year, as defined by the Employment Security Act of 1980,
8 which begin in an extended benefit period and, if his or her benefit
9 year ends within such extended benefit period, any weeks thereafter
10 which begin in such extended benefit period;

11 ~~21.~~ 22. "Employer" shall have the same meaning as provided in
12 Section 1-208 of this title;

13 ~~22.~~ 23. "Employing unit" means any individual or type of
14 organization, including any partnership, association, trust, estate,
15 joint stock company, insurance company, limited liability company or
16 corporation, whether domestic or foreign, or the receiver, trustee
17 in bankruptcy, trustee or successor thereof, or the legal
18 representative of a deceased person, which has or subsequent to
19 January 1, 1936, had in its employ one or more individuals
20 performing services for it within this state;

21 ~~23.~~ 24. "Employment" shall have the same meaning as provided in
22 Section 1-210 of this title;

23 ~~24.~~ 25. "Employment office" means a free public employment
24 office or branch thereof operated by this or any other state as a

1 part of a state-controlled system of public employment offices or by
2 a federal agency charged with the administration of an unemployment
3 compensation program or free public employment offices;

4 ~~25.~~ 26. "Employment Security Administration Fund" means the
5 fund established in Section 4-602 of this title from which
6 administration expenses under the Employment Security Act of 1980
7 shall be paid;

8 ~~26.~~ 27. "Exhaustee" shall have the same meaning as provided in
9 Section 2-712 of this title;

10 ~~27.~~ 28. "Experience period" means the most recent twelve (12)
11 consecutive completed calendar quarters occurring before July 1 of
12 the year immediately preceding the year for which the employer's
13 contribution rate is being calculated;

14 ~~28.~~ 29. "Extended base period" means the four (4) quarters
15 prior to the claimant's base period. These four (4) quarters may be
16 substituted for base period quarters on a quarter-by-quarter basis
17 to establish a valid claim regardless of whether the wages have been
18 used to establish a prior claim, except any wages earned that would
19 render the Commission out of compliance with applicable federal law
20 shall be excluded if used in a prior claim;

21 ~~29.~~ 30. "Extended benefit period" shall have the same meaning
22 as provided in Section 2-703 of this title;

23 ~~30.~~ 31. "File", "files", or "filed" shall have the same meaning
24 as provided in Section 1-224 of this title;

1 ~~31.~~ 32. "Mail", "mails", "mailed", or "mailing" means
2 communication sent by a postal service with sufficient postage;

3 ~~32.~~ 33. "Foreign limited liability company" shall be defined by
4 the provisions of the Oklahoma Limited Liability Company Act;

5 ~~33.~~ 34. "Fund" means the Unemployment Compensation Fund
6 established in Section 3-601 of this title;

7 ~~34.~~ 35. "Hospital" means any hospital required to be licensed
8 under the Oklahoma Public Health Code, Section 1-101 et seq. of
9 Title 63 of the Oklahoma Statutes, and includes state mental
10 hospitals and any other mental hospital or institution;

11 ~~35.~~ 36. "Initial claim" means a new claim application submitted
12 by a claimant to establish a benefit year for unemployment insurance
13 benefits;

14 ~~36.~~ 37. "Institution of higher education" shall have the same
15 meaning as provided in Section 1-214 of this title;

16 ~~37.~~ 38. "Insured work" means employment for employers as
17 defined by the Employment Security Act of 1980;

18 ~~38.~~ 39. "Lessor employing unit" means any independently
19 established business entity which engages in the business of
20 providing leased employees to any other employer, individual,
21 organization, partnership, corporation, or other legal entity,
22 referred to herein as a client lessee;

23 ~~39.~~ 40. "Limited liability company" shall be defined by the
24 provisions of the Oklahoma Limited Liability Company Act;

1 ~~40.~~ 41. "Probationary period" means a period of time set forth
2 in an established probationary plan, which applies to all employees
3 or a specific group of employees, and does not exceed ninety (90)
4 calendar days from the first day a new employee begins work;

5 ~~41.~~ 42. "Professional Employer Organization" or "PEO" means an
6 organization that is subject to the Oklahoma Professional Employer
7 Organization Recognition and Registration Act and which meets the
8 definition set out in paragraph 9 of Section 600.2 of this title;

9 ~~42.~~ 43. "Rate of insured employment" shall have the same
10 meaning as provided in Section 2-708 of this title;

11 ~~43.~~ 44. "Regular benefits" means benefits payable to an
12 individual under the Employment Security Act of 1980, or under any
13 other state law including dependents' allowances and benefits
14 payable to federal civilian employees;

15 ~~44.~~ 45. "Reopened claim" means a claim application which
16 reactivates a claim during an existing benefit year when a claimant
17 stopped filing for benefits before his or her claim was exhausted,
18 but in which there occurred no intervening employment from the date
19 of the filing of the last initial, additional, or reopened claim;

20 ~~45.~~ 46. "State" includes, in addition to the states of the
21 United States of America, the District of Columbia, the Commonwealth
22 of Puerto Rico, and the Virgin Islands;

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1 ~~46.~~ 47. "State law" means the unemployment insurance law of any
2 state, approved by the Secretary of Labor of the United States under
3 Section 3304 of the Internal Revenue Code of 1954;

4 ~~47.~~ 48. "Supplemental unemployment benefit plan" means a plan
5 that provides for an employer to make payments to its employees
6 during a permanent or temporary layoff that will supplement
7 unemployment benefits received by the employees. The purpose of a
8 supplemental unemployment benefit plan is to allow an employer to
9 sustain the purchasing power of its employees or former employees
10 during a layoff;

11 ~~48.~~ 49. "Taxable wages" means the wages paid to an individual
12 with respect to employment during a calendar year for services
13 covered by the Employment Security Act of 1980 or other state
14 unemployment compensation acts which shall equal the applicable
15 percentage of the state's average annual wage for the second
16 preceding calendar year as determined by the Commission, rounded to
17 the nearest multiple of One Hundred Dollars (\$100.00);

18 ~~49.~~ 50. "Wages" shall have the same meaning as provided in
19 Section 1-218 of this title;

20 ~~50.~~ 51. "Wages paid" means wages actually paid to the worker;
21 provided, however, that in the event of any distribution of an
22 employer's assets through insolvency, receivership, composition,
23 assignment for the benefit of creditors, or termination of business,
24 wages earned but not actually paid shall be considered as paid; and

1 ~~51.~~ 52. "Week" means such period of seven (7) consecutive days,
2 as the Commission may by regulation prescribe.

3 SECTION 2. AMENDATORY 40 O.S. 2021, Section 1-224, as
4 last amended by Section 2, Chapter 114, O.S.L. 2024 (40 O.S. Supp.
5 2024, Section 1-224), is amended to read as follows:

6 Section 1-224. FILE.

7 A. For purposes of this section, "OESC 2020-21 business process
8 transformation" means a change from paper process to integrated
9 digital technology. Upon completion of the OESC 2020-21 business
10 process transformation, electronic e-filing will be the Oklahoma
11 Employment Security Commission's preferred filing method for
12 tendering and receiving documents. All claimants and employers
13 tendering documents to the Commission will be expected to tender the
14 documents electronically. If the claimant or employer has elected
15 to utilize other means of transmittal, it will be the responsibility
16 of the claimant or employer to notify the Commission of this
17 preference.

18 B. When the provisions of the Employment Security Act of 1980
19 or the rules promulgated under the authority of the ~~act~~ Employment
20 Security Act of 1980 require any document to be filed with the
21 Oklahoma Employment Security Commission or its affiliate entities,
22 the term "file", "files", or "filed" shall mean:

23 1. Mailing by means calculated to ensure receipt by the
24 Oklahoma Employment Security Commission on or before the date due.

1 Timely mailing shall be determined by the United States Postal
2 Service postmark. If there is no such legible postmark, the date of
3 receipt by the Commission shall constitute the date of filing;

4 2. Electronic e-filing to the Oklahoma Employment Security
5 Commission, as directed by the instructions on the determination
6 letter, order or other document issued by the Commission, by
7 midnight on or before the date due. Timely transmission shall be
8 determined by the Commission's transmission log file; ~~or~~

9 3. Digital portal filing by midnight on or before the date due.
10 Timely transmission shall be determined by the Commission's
11 transmission log file; or

12 4. In significant economic situations, instances where evidence
13 suggests potential fraudulent activity or for those who have not
14 completed the claim filing process, the Commission shall have the
15 discretion to modify the appeal filing requirements to respond to
16 the situation.

17 C. If the Employment Security Act of 1980 or the rules
18 promulgated under the Employment Security Act of 1980 require that a
19 document be filed with a court or any other agency of this state,
20 the term "file", "files" or "filed" shall be defined by the
21 statutes, rules or practice governing that court or agency.

22 SECTION 3. AMENDATORY 40 O.S. 2021, Section 2-610, is
23 amended to read as follows:

24 Section 2-610. JUDICIAL REVIEW.

1 A. Within the thirty (30) days after the day a notice of
2 decision of the Board of Review is mailed to the parties, the
3 Oklahoma Employment Security Commission, or any party to the
4 proceedings before the Board of Review, may obtain judicial review
5 by filing in the district court of the county in which the claimant
6 resides, or if the claimant is not a resident of the State of
7 Oklahoma then in the District Court of Oklahoma County, a petition
8 for review of the decision of the Board of Review. The petition for
9 review shall set out the names of all codefendants in the style of
10 the case, which shall include:

- 11 1. The Board of Review;
- 12 2. The Oklahoma Employment Security Commission; and
- 13 3. All other parties to the proceeding before the Board of
14 Review.

15 Failure to properly name the codefendants as stated in this
16 section shall be deemed a jurisdictional defect and the case shall
17 be dismissed. The petition for review need not be verified but
18 shall state specifically the grounds upon which the review is
19 sought. A copy of the petition for review shall be served upon the
20 Board of Review at its official address and the petitioner shall
21 also deliver to the Board of Review as many copies of the petition
22 as there are defendants. The Board of Review shall issue to each
23 party to the proceeding a copy of the petition and the issuance
24 shall be deemed to be service upon all the parties. In any

1 proceeding under this section the findings of the Board of Review as
2 to the facts, if supported by evidence, shall be conclusive and the
3 jurisdiction of the court shall be confined to questions of law. No
4 additional evidence shall be received by the court, but the court
5 may remand the case and order additional evidence to be taken by the
6 Appeal Tribunal of the Oklahoma Employment Security Commission.

7 B. Within sixty (60) days of the date of service of the
8 petition on the Board of Review, the Board of Review shall file with
9 the court a certified copy of the record of the case, including all
10 documents and papers properly admitted into evidence and a
11 transcript of all testimony taken in the matter, together with the
12 Board of Review's findings, conclusions and decision.

13 C. The proceedings shall be heard in a summary manner and shall
14 be given precedence over all other civil cases. An appeal may be
15 taken from the decision of the district court to the Supreme Court
16 of this state in the same manner as is provided in other civil
17 cases. It shall not be necessary as a condition precedent to
18 judicial review of any decision of the Board of Review to enter
19 exceptions to the rulings of the Board, and no bond shall be
20 required as a condition of initiating a proceeding for judicial
21 review or entering an appeal from the decision of the court. Upon
22 the final termination of the judicial proceeding, the Board of
23 Review shall enter an order in accordance with the mandate of the
24 district or appellate court.

1 SECTION 4. AMENDATORY 40 O.S. 2021, Section 4-508, as
2 amended by Section 22, Chapter 360, O.S.L. 2022 (40 O.S. Supp. 2024,
3 Section 4-508), is amended to read as follows:

4 Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL -
5 DISCLOSURE.

6 A. Except as otherwise provided by law, information obtained
7 from any employing unit or individual pursuant to the administration
8 of the Employment Security Act of 1980, any workforce system program
9 administered or monitored by the Oklahoma Employment Security
10 Commission, and determinations as to the benefit rights of any
11 individual shall be kept confidential and shall not be disclosed or
12 be open to public inspection in any manner revealing the
13 individual's or employing unit's identity. Any claimant, employer,
14 or agent of either as authorized in writing, shall be supplied with
15 information from the records of the Oklahoma Employment Security
16 Commission, to the extent necessary for the proper presentation of
17 the claim or complaint in any proceeding under the Employment
18 Security Act of 1980, with respect thereto.

19 B. Upon receipt of written request by any employer who
20 maintains a Supplemental Unemployment Benefit (SUB) Plan, the
21 Commission or its designated representative may release to that
22 employer information regarding weekly benefit amounts paid its
23 workers during a specified temporary layoff period, provided the
24 Supplemental Unemployment Benefit (SUB) Plan requires benefit

1 payment information before Supplemental Unemployment Benefits can be
2 paid to the workers. Any information disclosed under this provision
3 shall be utilized solely for the purpose outlined herein and shall
4 be held strictly confidential by the employer.

5 C. The provisions of this section shall not prevent the
6 Commission from disclosing the following information and no
7 liability whatsoever, civil or criminal, shall attach to any member
8 of the Commission or any employee thereof for any error or omission
9 in the disclosure of this information:

10 1. The delivery to taxpayer or claimant a copy of any report or
11 other paper filed by the taxpayer or claimant pursuant to the
12 Employment Security Act of 1980;

13 2. The disclosure of information to any person for a purpose as
14 authorized by the taxpayer or claimant pursuant to a waiver of
15 confidentiality. The waiver shall be in writing and shall be
16 notarized;

17 3. The Oklahoma Department of Commerce may have access to data
18 obtained pursuant to the Employment Security Act of 1980 pursuant to
19 rules promulgated by the Commission. The information obtained shall
20 be held confidential by the Department and any of its agents and
21 shall not be disclosed or be open to public inspection. The
22 Oklahoma Department of Commerce, however, may release aggregated
23 data, either by industry or county, provided that the aggregation
24 meets disclosure requirements of the Commission;

1 4. The publication of statistics so classified as to prevent
2 the identification of a particular report and the items thereof;

3 5. The disclosing of information or evidence to the Attorney
4 General or any district attorney when the information or evidence is
5 to be used by the officials or other parties to the proceedings to
6 prosecute or defend allegations of violations of the Employment
7 Security Act of 1980. The information disclosed to the Attorney
8 General or any district attorney shall be kept confidential by them
9 and not be disclosed except when presented to a court in a
10 prosecution of a violation of Section 1-101 et seq. of this title,
11 and a violation by the Attorney General or district attorney by
12 otherwise releasing the information shall be a felony;

13 6. The furnishing, at the discretion of the Commission, of any
14 information disclosed by the records or files to any official person
15 or body of this state, any other state or of the United States who
16 is concerned with the administration of assessment of any similar
17 tax in this state, any other state or the United States;

18 7. The furnishing of information to other state agencies for
19 the limited purpose of aiding in the collection of debts owed by
20 individuals to the requesting agencies or the Oklahoma Employment
21 Security Commission;

22 8. The release of information to employees of the Department of
23 Transportation required for use in federally mandated regional
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1 transportation planning, which is performed as a part of its
2 official duties;

3 9. The release of information to employees of the State
4 Treasurer's office required to verify or evaluate the effectiveness
5 of the Oklahoma Small Business Linked Deposit Program on job
6 creation;

7 10. The release of information to employees of the Attorney
8 General, the Department of Labor, the Workers' Compensation
9 Commission and the Insurance Department for use in investigation of
10 workers' compensation fraud;

11 11. The release of information to employees of any ~~state,~~
12 ~~county, municipal or tribal~~ law enforcement agency for use in
13 criminal investigations and the location of missing persons or
14 fugitives from justice;

15 12. The release of information to employees of the Center of
16 International Trade, Oklahoma State University, required for the
17 development of International Trade for employers doing business in
18 this state;

19 13. The release of information to employees of the Oklahoma
20 State Regents for Higher Education required for use in the default
21 prevention efforts and/or collection of defaulted student loans
22 guaranteed by the Oklahoma Guaranteed Student Loan Program. Any
23 information disclosed under this provision shall be utilized solely
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1 for the purpose outlined herein and shall be held strictly
2 confidential by the Oklahoma State Regents for Higher Education;

3 14. The release of information to employees of the Oklahoma
4 Department of Career and Technology Education, the Oklahoma State
5 Regents for Higher Education, the Center for Economic and Management
6 Research of the University of Oklahoma, the Center for Economic and
7 Business Development at Southwestern Oklahoma State University or a
8 center of economic and business research or development at a
9 comprehensive or regional higher education institution within The
10 Oklahoma State System of Higher Education required to identify
11 economic trends or educational outcomes. The information obtained
12 shall be kept confidential by the Oklahoma Department of Career and
13 Technology Education, the Oklahoma State Regents for Higher
14 Education and the higher education institution and shall not be
15 disclosed or be open to public inspection. The Oklahoma Department
16 of Career and Technology Education, the Oklahoma State Regents for
17 Higher Education and the higher education institution may release
18 aggregated data, provided that the aggregation meets disclosure
19 requirements of the Commission;

20 15. The release of information to employees of the Office of
21 Management and Enterprise Services required to identify economic
22 trends. The information obtained shall be kept confidential by the
23 Office of Management and Enterprise Services and shall not be
24 disclosed or be open to public inspection. The Office of Management

1 and Enterprise Services may release aggregate data, provided that
2 the aggregation meets disclosure requirements of the Oklahoma
3 Employment Security Commission;

4 16. The release of information to employees of the Department
5 of Mental Health and Substance Abuse Services required to evaluate
6 the effectiveness of mental health and substance abuse treatment and
7 state or local programs utilized to divert persons from inpatient
8 treatment. The information obtained shall be kept confidential by
9 the Department and shall not be disclosed or be open to public
10 inspection. The Department of Mental Health and Substance Abuse
11 Services, however, may release aggregated data, either by treatment
12 facility, program or larger aggregate units, provided that the
13 aggregation meets disclosure requirements of the Oklahoma Employment
14 Security Commission;

15 17. The release of information to employees of the Attorney
16 General, the Oklahoma State Bureau of Investigation and the
17 Insurance Department for use in the investigation of insurance fraud
18 and health care fraud;

19 18. The release of information to employees of public housing
20 agencies for purposes of determining eligibility pursuant to 42
21 U.S.C., Section 503(i);

22 19. The release of wage and benefit claim information, at the
23 discretion of the Commission, to an agency of this state or its
24 political subdivisions that operate a program or activity designated

1 as a required partner in the Workforce Innovation and Opportunity
2 Act One-Stop delivery system pursuant to 29 U.S.C.A., Section
3 3151(b)(1), based on a showing of need made to the Commission and
4 after an agreement concerning the release of information is entered
5 into with the entity receiving the information. For the limited
6 purpose of completing performance accountability reports required by
7 the Workforce Innovation and Opportunity Act, only those designated
8 required partners that meet the 20 CFR Section 603.2(d) definition
9 of public official may contract with a private agent or contractor
10 pursuant to 20 CFR Section 603.5(f) for the purpose of the private
11 agent or contractor receiving confidential unemployment compensation
12 information to the extent necessary to complete the performance
13 accountability reports;

14 20. The release of information to the State Wage Interchange
15 System, at the discretion of the Commission;

16 21. The release of information to the Bureau of the Census of
17 the U.S. Department of Commerce, the Bureau of Labor Statistics of
18 the U.S. Department of Labor, and its agents employed by the
19 Oklahoma Department of Labor for the purpose of economic and
20 statistical research;

21 22. The release of employer tax information and benefit claim
22 information to the Oklahoma Health Care Authority for use in
23 determining eligibility for a program that will provide subsidies
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1 for health insurance premiums for qualified employers, employees,
2 self-employed persons and unemployed persons;

3 23. The release of employer tax information and benefit claim
4 information to the State Department of Rehabilitation Services for
5 use in assessing results and outcomes of clients served;

6 24. The release of information to any state or federal law
7 enforcement authority when necessary in the investigation of any
8 crime in which the Commission is a victim. Information that is
9 confidential under this section shall be held confidential by the
10 law enforcement authority unless and until it is required for use in
11 court in the prosecution of a defendant in a criminal prosecution;

12 25. The release of information to vendors that contract with
13 the Oklahoma Employment Security Commission to provide for the
14 issuance of debit cards, to conduct electronic fund transfers, to
15 perform computer programming operations, or to perform computer
16 maintenance or replacement operations; provided the vendor agrees to
17 protect and safeguard the information it receives and to destroy the
18 information when no longer needed for the purposes set out in the
19 contract;

20 26. The release of information to employees of the Office of
21 Juvenile Affairs for use in assessing results and outcomes of
22 clients served as well as the effectiveness of state and local
23 juvenile and justice programs including prevention and treatment
24 programs. The information obtained shall be kept confidential by

1 the Office of Juvenile Affairs and shall not be disclosed or be open
2 to public inspection. The Office of Juvenile Affairs may release
3 aggregated data for programs or larger aggregate units, provided
4 that the aggregation meets disclosure requirements of the Oklahoma
5 Employment Security Commission;

6 27. The release of information to vendors that contract with
7 the State of Oklahoma for the purpose of providing a public
8 electronic labor exchange system that will support the Oklahoma
9 Employment Security Commission's operation of an employment service
10 system to connect employers with job seekers and military veterans.
11 This labor exchange system would enhance the stability and security
12 of Oklahoma's economy as well as support the provision of veterans'
13 priority of service. The vendors may perform computer programming
14 operations, perform computer maintenance or replacement operations,
15 or host the electronic solution; provided, each vendor agrees to
16 protect and safeguard all information received, that no information
17 shall be disclosed to any third party, that the use of the
18 information shall be restricted to the scope of the contract, and
19 that the vendor shall properly dispose of all information when no
20 longer needed for the purposes set out in the contract; or

21 28. The release of employer tax information and benefit claim
22 information to employees of a county public defender's office in
23 this state and the Oklahoma Indigent Defense System for the purpose
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1 of determining financial eligibility for the services provided by
2 such entities.

3 D. Subpoenas to compel disclosure of information made
4 confidential by this statute shall not be valid, except for
5 administrative subpoenas issued by federal, state, or local
6 governmental agencies that have been granted subpoena power by
7 statute or ordinance. Confidential information maintained by the
8 Commission can be obtained by order of a court of record that
9 authorizes the release of the records in writing. All
10 administrative subpoenas or court orders for production of documents
11 must provide a minimum of twenty (20) days from the date it is
12 served for the Commission to produce the documents. If the date on
13 which production of the documents is required is less than twenty
14 (20) days from the date of service, the subpoena or order shall be
15 considered void on its face as an undue burden or hardship on the
16 Commission. All administrative subpoenas, court orders or notarized
17 waivers of confidentiality authorized by paragraph 2 of subsection C
18 of this section shall be presented with a request for records within
19 ninety (90) days of the date the document is issued or signed, and
20 the document can only be used one time to obtain records.

21 E. Should any of the disclosures provided for in this section
22 require more than casual or incidental staff time, the Commission
23 shall charge the cost of the staff time to the party requesting the
24 information.

1 F. It is further provided that the provisions of this section
2 shall be strictly interpreted and shall not be construed as
3 permitting the disclosure of any other information contained in the
4 records and files of the Commission.

5 SECTION 5. This act shall become effective November 1, 2025.

6 Passed the Senate the 24th day of March, 2025.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2025.

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Presiding Officer of the House
of Representatives

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