

# Leave Policy Language: Oklahoma

DANIEL V. CARSEY, HALL ESTILL, WITH PRACTICAL LAW LABOR & EMPLOYMENT

Search the [Resource ID numbers in blue](#) on Westlaw for more.

A Q&A guide to state law on leave policy language for private employers in Oklahoma. This Q&A suggests model language that may be included in employee leave policies that is consistent with state-specific requirements. Federal, local, or municipal law may impose additional or different requirements. Answers to questions can be compared across a number of jurisdictions (see [Leave Policy Language: State Q&A Tool](#)).

For information and updates on changes to state leave laws related to the 2019 novel coronavirus disease (COVID-19), see [Paid Sick Leave State and Local Laws Chart: Overview: State and Local Laws Charts \(4-597-3867\)](#), and [Paid Family and Medical Leave State and Local Laws Chart: Overview: State and Local Laws Charts \(W-022-3037\)](#).

For information and updates on state employment law developments related to COVID-19, see [COVID-19: Employment Law and Development Tracker: State Laws and Directives \(W-024-5500\)](#).

## FAMILY AND MEDICAL LEAVE POLICY

**1. Is there any specific language required for compliance with the state equivalent of the Family and Medical Leave Act (FMLA) in family and medical leave policies in your jurisdiction? If so, please include that language below. If there is not, please include sample recommended language for the state equivalent of an FMLA policy in your state.**

Oklahoma has no state equivalent of the Family and Medical Leave Act.

However, on March 18, 2020, the federal Families First Coronavirus Response Act (FFCRA) (H.R. 6201, §§ 5105 to 5111) was signed into law. The FFCRA:

- Includes:
  - the Emergency Paid Sick Leave Act; and
  - the Emergency Family and Medical Leave Expansion Act.
- Is effective April 1, 2020 through December 31, 2020, when it expires by its terms (US Department of Labor FAQ).

On April 8, 2020, Oklahoma Governor Kevin Stitt issued Executive Order 2020-13, which, among other things, directs that correctional officers, law enforcement officers, and fire personnel are not excluded from Emergency Paid Sick Leave benefits under the FFCRA.

While the FFCRA does not require specific language, employers should keep the Act's emergency leave provisions in mind when creating and updating leave policies.

For more information on the federal FFCRA, see [Practice Note, COVID-19: Paid Sick and Family Leave Under the FFCRA \(W-024-7536\)](#).

**2. Is there any specific language required for compliance with the state equivalent of the Family and Medical Leave Act (FMLA) in forms requesting family or medical leave in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Oklahoma has no state equivalent of the Family and Medical Leave Act.

**3. Is there any specific language required for compliance with the state equivalent of the Family and Medical Leave Act (FMLA) in forms supplying medical certification in support of family or medical leave in your jurisdiction? If so, please include it below. If not, please include sample recommended language.**

Oklahoma has no state equivalent of the Family and Medical Leave Act.

### WORKERS' COMPENSATION LEAVE POLICY

**4. Is there any state-specific language required in a workers' compensation leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Oklahoma law does not specifically require workers' compensation leave for employees who incur on-the-job injuries or illnesses. However, employers must:

- Provide workers' compensation coverage unless the employee is exempt.
- Not retaliate against employees who have taken certain actions, including but not limited to:
  - making a good faith claim for workers' compensation benefits; or
  - being absent from work during a period of temporary total disability.

(Okla. Stat. tit. 85A, § 7.)

Employees eligible for workers' compensation may also be eligible for leave:

- Under the federal Family and Medical Leave Act.
- As an accommodation under the federal Americans with Disabilities Act.

Oklahoma law does not require specific language to be included in a workers' compensation policy. Workers' compensation policies typically refer to the Oklahoma Administrative Workers' Compensation Act (Okla. Stat. tit. 85A, §§ 1 to 125). Model policy language is provided below.

#### MODEL OKLAHOMA WORKERS' COMPENSATION POLICY

If you sustain an injury or illness arising out of or in the course of performing work for [EMPLOYER NAME], medical expenses and other benefits may be provided to you as specified under the Oklahoma Administrative Workers' Compensation Act. If you sustain a work-related injury or illness, no matter how minor, you must immediately inform your supervisor. While this will help an eligible employee qualify for coverage sooner, there is no guarantee. However,

failure to timely report an injury or illness may affect your claim for workers' compensation benefits.

[EMPLOYER NAME] will not take any adverse action in retaliation for a good faith filing of a workers' compensation claim.

Please contact [PERSON/POSITION] for more information about workers' compensation benefits.

### MILITARY LEAVE POLICY

**5. Is there any state-specific language required in a military leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

There is no specific policy language required for an employer to comply with Oklahoma military leave law. However, model language for private employers is provided below.

#### MODEL OKLAHOMA MILITARY LEAVE AND REEMPLOYMENT POLICY

[EMPLOYER NAME] will provide the necessary time off to employees who are required to fulfill military obligations in any Armed Forces, National Guard, other uniformed services, or state military, as required by federal and state law. If employees return to work or apply for reemployment on a timely basis, they will be reinstated in accordance with federal and state law.

Military leave will be unpaid, except exempt employees who are paid on a salary basis will be paid for any workweek in which the employee performs work. In addition, employees may choose to use accrued vacation for military leave in lieu of unpaid leave.

If you need to take military leave, you must give advance notice of your service obligations to your supervisor, unless military necessity makes advance notice impossible. Military orders should be presented to your supervisor and arrangements for leave made as early as possible before the beginning of leave.

Your benefits may continue to accrue during the period of leave in accordance with state and federal law.

Additional information regarding military leave may be obtained from [PERSON/POSITION].

(Okla. Stat. tit. 72, §§ 47 and 48.1.)

### DISABILITY LEAVE POLICY

**6. Is there any state-specific language required in a disability leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Oklahoma disability benefits law (provided under the Oklahoma Administrative Workers' Compensation Act) does not specifically require leave for employees eligible for statutory disability benefits (Okla. Stat. tit. 85A, §§ 1 to 125).

However, employers must:

- Provide disability benefits to covered employees.
- Not retaliate against employees because they have filed a claim for disability benefits, retained a lawyer, or testified in any proceeding.

(Okla. Stat. tit. 85A, § 7.)

Employees eligible for disability benefits may also be eligible for:

- Leave under the federal Family and Medical Leave Act.
- Leave as an accommodation under the federal Americans with Disabilities Act.

Oklahoma disability benefits law does not require specific language to be included in a disability benefits policy. Disability benefit policies typically refer to the employer's short-term and, where applicable, long-term disability benefits policies. Model disability benefits policy language is provided below.

#### MODEL OKLAHOMA DISABILITY BENEFITS POLICY

If you become disabled and cannot work, you may be entitled to benefits under [EMPLOYER NAME]'s Short-Term Disability Benefits Plan and/or a Long-Term Disability Benefits Plan. For eligibility requirements and a detailed explanation of the disability benefits, please refer to the Short-Term Disability Summary Plan Description and/or the Long-Term Disability Summary Plan Description and the governing benefit plan documents.

#### PREGNANCY LEAVE POLICY

**7. Is there any state-specific language required in a pregnancy leave policy in your jurisdiction? If so, please include it below. If there is not, please include sample recommended language.**

Parental leave is not required under Oklahoma law. Employers may voluntarily provide paid or unpaid parental leave.

Model Oklahoma parental leave policy language is provided below.

#### MODEL OKLAHOMA PARENTAL LEAVE POLICY

Employees may take up to [twelve weeks] of [paid/unpaid] leave immediately following the birth of a newborn child of the employee or the placement of a newly-adopted child of the employee. Any parental leave must be taken within three months of the birth or placement of the child.

[EMPLOYER NAME] may require employees to use any accrued paid time off concurrently with any period of parental leave.

Employees who are experiencing a pregnancy-related disability may be eligible for disability leave.

#### OTHER TYPES OF LEAVE POLICIES

**8. Please describe other types of leave that should be considered when drafting a leave policy in your state (for example, voting leave, domestic violence leave, bone marrow leave, or jury duty leave).**

In addition to the leave discussed in Question 5, Oklahoma requires leave for:

- Jury duty (Okla. Stat. tit. 38, § 34).
- Voting (Okla. Stat. tit. 26, § 7-101).
- Railroad employees (Okla. Stat. tit. 40, § 185).

For more information on leave requirements in Oklahoma, see State Q&A, Leave Laws: Oklahoma ([1-517-8002](https://www.osl.com/oklahoma-leave-laws)).

For model policies, see Question 9:

- Model Oklahoma Jury Duty Leave Policy.
- Model Oklahoma Voting Leave Policy.
- Model Oklahoma Railroad Employees' Leave Policy.

**9. For each type of leave described in Question 8, please provide any language required in a leave policy in your state. If there is no required language, please provide sample recommended language.**

No specific language is required for any of the leaves listed in Question 8 if the leave policies comply with applicable statutory requirements. The following is model policy language for each leave type. For more information about leave requirements under Oklahoma law, see State Q&A, Leave Laws: Oklahoma ([1-517-8002](https://www.osl.com/oklahoma-leave-laws)).

#### MODEL OKLAHOMA JURY DUTY LEAVE POLICY

[If an employee working for an employer with five or fewer full-time employees is summoned to jury duty and another employee of the same employer has already been summoned to appear during the same period, the court must automatically postpone and reschedule the service of the employee who received the later summons.]

[EMPLOYER NAME] encourages employees to fulfill their civic responsibilities to serve on state and federal juries. If you are summoned or otherwise requested to serve on jury duty, you must inform your supervisor immediately so that arrangements can be made to accommodate your absence. You are expected to report to work when the court schedule permits, for example, if you are excused from jury duty during your regularly scheduled business hours or if you are released from jury duty earlier than anticipated.

[EMPLOYER NAME] reserves the right to request proof of jury service issued by the Court upon your return to work.

While serving on jury duty, you will be placed on unpaid leave, unless you choose to use available paid leave (for example, accrued vacation) for jury duty. In addition, exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Retaliation against an employee who requests leave under this policy is strictly prohibited.

#### MODEL OKLAHOMA VOTING LEAVE POLICY

[Employers are not required to provide voting leave for employees whose work day begins three or more hours after the time the polls open, or ends three or more hours before the time the polls close.]

Time off for voting is available only to employees who are registered voters. Full-time employees may request up to two hours of paid leave per election so that they can vote in either a general or primary election. If an employee is at such a distance from the voting place that more than two hours are required in which to attend such elections, then the employee will be allowed a reasonable time in which to cast a ballot. If more than one employee is requesting time off to vote in a particular election, [EMPLOYER NAME] may designate specific hours where certain employees may leave work.

Employees must notify, either orally or in writing, [EMPLOYER NAME] of the intention to take voting leave. This notice must be submitted at least three days before the day of the election or in-person absentee voting.

Unless otherwise required by law, paid time off to participate in an election will not be used for purposes of computing overtime pay.

Upon request, employees must also provide proof they voted to their direct supervisor at [EMPLOYER NAME] in a reasonable period of time, not to exceed five (5) days. A form indicating an employee voted may be obtained from the election judges upon request.

#### **MODEL OKLAHOMA RAILROAD EMPLOYEES' LEAVE POLICY**

[The following model language applies to employees of railroad companies operating in Oklahoma.]

Any employee who is running for or seeking public office, required to serve in any government position, military or civil, elected or appointed to public office or required to serve jury duty in this state is eligible for leave.

During the absence, the employee retains and continues to accumulate seniority, provided that the employee reports for duty no later than fifteen days after the end of the period of the leave that was granted.

#### **ABOUT PRACTICAL LAW**

Practical Law provides legal know-how that gives lawyers a better starting point. Our expert team of attorney editors creates and maintains thousands of up-to-date, practical resources across all major practice areas. We go beyond primary law and traditional legal research to give you the resources needed to practice more efficiently, improve client service and add more value.

If you are not currently a subscriber, we invite you to take a trial of our online services at [legalsolutions.com/practical-law](https://legalsolutions.com/practical-law). For more information or to schedule training, call **1-800-733-2889** or e-mail [referenceattorneys@tr.com](mailto:referenceattorneys@tr.com).