

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1151

By: Roach

COMMITTEE SUBSTITUTE

An Act relating to labor; amending 40 O.S. 1991, Section 2-408, which relates to eligibility for unemployment compensation; modifying determination of suitable work; amending 40 O.S. 1991, Section 165.2, which relates to the payment of wages; allowing certain nonprofit organizations and nonprofit agencies to pay employees monthly; repealing Section 8, Chapter 318, O.S.L. 1992 (40 O.S. Supp. 1992, Section 4-106.1), which relates to certain payments to the Commissioner of the Oklahoma Employment Security Commission; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 2-408, is amended to read as follows:

Section 2-408. SUITABLE WORK. (1) In determining whether or not any work is suitable for an individual, there shall be considered among other factors and in addition to those enumerated in Section 2-409 of this title the length of his unemployment, his prospects for obtaining work in his customary occupation, the distance of available work from his residence and prospects for obtaining local work.

(2) Suitable work shall be defined as:

- a. employment in an occupation in keeping with the individual's prior work experience, education or training; or
- b. having no prior work experience, special education or training for occupations available in the general area then, employment for which the individual would have the physical and mental ability to perform; or

c. employment for which the gross weekly pay exceeds the weekly benefit amount computed in accordance with Section 2-104 of this title and the federal minimum wage provided by Section 6(a)(1) of the Fair Labor Standards Act of 1938 without regard to any exemption or any applicable state or local minimum wage.

(3) Upon receipt of fifty percent (50%) of his benefits, suitable work shall not be limited to his customary or registered occupation.

SECTION 2. AMENDATORY 40 O.S. 1991, Section 165.2, is amended to read as follows:

Section 165.2 ~~Every~~ Except as otherwise provided by law, every employer in this state shall pay all wages due the employees, other than exempt employees, at least twice each calendar month on regular paydays designated in advance by the employer. State, county and municipal employees ~~and~~ exempt employees and employees of any nonprofit organization or nonprofit agency holding a valid exemption from taxation issued pursuant to Section 501(a) of the Internal Revenue Code of the United States, as amended, and listed as an exempt organization in Section 501(c) of the Internal Revenue Code of the United States, as amended, shall be paid a minimum of once each calendar month. The amount due such employees shall be paid in lawful money of the United States, and the employee shall not be deemed to have waived any right or rights mentioned in this section because of any contract to the contrary. With each payment of wages earned by such employee, the employer shall issue to such employee a brief itemized statement of any and all deductions therefrom. An interval of not more than eleven (11) days may elapse between the end of the pay period worked and the regular payday designated by the employer. The employer shall be allowed three (3) days after such payday in which to comply with this section.

No such employer shall issue, in payment of or as evidence of indebtedness due an employee any check, cashier's check, draft, time check, store order, scrip, or other acknowledgment of

indebtedness unless the same is payable or redeemable upon demand without discount and for face value in lawful money of the United States.

SECTION 3. REPEALER Section 8, Chapter 318, O.S.L. 1992 (40 O.S. Supp. 1992, Section 4-106.1), is hereby repealed.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

44-1-6283 MCD