

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3137

By: Bastin

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 1991, Section 197.4, which relates to the Oklahoma Minimum Wage Age Act; and clarifying language relating to employee.

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

SECTION 1. AMENDATORY 40 O.S. 1991, Section 197.4, is amended to read as follows:

Section 197.4 As used in this act:

- (a) "Commissioner" means the Commissioner of Labor;
- (b) "Wage" means compensation due to an employee by reason of his employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges or allowances as may be permitted by law;
- (c) "Employ" includes to suffer or to permit to work;
- (d) "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons, hiring more than ten full-time employees or equivalent at any one location or place of business; provided, however, if an employer has less than ten full-time employees or equivalent at any one location

or place of business but does a gross business of more than One Hundred Thousand Dollars (\$100,000.00) annually, said employer shall not be exempt under the provisions of this act.

This act shall not apply to employers subject to the Fair Labor Standards Act of 1938, as amended, and who are paying the minimum wage under the provisions of said act, nor to employers whose employees are exempt under paragraph (e) of this section.

(e) "Employee" includes any individual employed by an employer but shall not include:

- (1) An individual employed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement or maintenance of ~~such~~ the farm and its tools and equipment;
- (2) Any individual employed in domestic service in or about a private home;
- (3) Any individual employed by the United States government;
- (4) Any individual working as a volunteer in a charitable, religious or other nonprofit organization;
- (5) Any newspaper vendor or carrier;
- (6) Any employee of any carrier subject to regulation by Part I of the Interstate Commerce Act;
- (7) Any employee of any employer who is subject to the provisions of any Federal Fair Labor Standards Act or to any Federal Wage and Hour Law now in effect or enacted hereafter; and who is paying the minimum wage under the provisions of this act;

- (8) Any employee employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman;
- (9) Any person employed as part-time employee not on permanent status. A part-time employee is defined as an employee who is employed ~~less than~~ under twenty-five (25) hours a per week;
- (10) Any person who is less than eighteen (18) years of age and is not a high school graduate or a graduate of a vocational training program, and any person who is less than twenty-two (22) years of age and who is a student regularly enrolled in a high school, college, university or vocational training program;
- (11) Any individual employed in a feedstore operated primarily for the benefit and use of farmers and ranchers; or
- (12) Any individual working as a reserve force deputy sheriff.

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