

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 1466

By: Bass of the Senate

and

Dorman, Staggs, Gilbert,
Lindley and Shelton of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to labor; prohibiting disqualification of certain persons from specified benefits; amending 40 O.S. 2001, Sections 165.2, as amended by Section 2, Chapter 160, O.S.L. 2002, and 557 (40 O.S. Supp. 2005, Section 165.2), which relate to payment of wages and the Standards for Workplace Drug and Alcohol Testing Act; authorizing certain electronic payment; modifying requirement for promulgation of specified standards; requiring promulgation of certain standard procedures; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-225A of Title 40, unless there is created a duplication in numbering, reads as follows:

No person drawing unemployment benefits on or after January 1, 2006, shall be disqualified from benefits, nor shall any overpayment recoupment action be taken by the Commission against any person who receives benefits on or after January 1, 2006, if the claim of disqualification or recoupment is based upon such person's receipt of payment under a supplemental unemployment benefit plan meeting the requirements of Section 1-225 of Title 40 of the Oklahoma Statutes.

SECTION 2. AMENDATORY 40 O.S. 2001, Section 165.2, as amended by Section 2, Chapter 160, O.S.L. 2002 (40 O.S. Supp. 2005, Section 165.2), is amended to read as follows:

Section 165.2. Every employer in this state shall pay all wages due the employees, other than exempt employees and employees of nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on regular paydays designated in advance by the employer. State, county and municipal employees, exempt employees, and employees of nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and 26 U.S.C. 170(b)(1)(A)(vi) 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, including payment by electronic means, 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. AMENDATORY 40 O.S. 2001, Section 557, is amended to read as follows:

Section 557. A. The State Board of Health shall implement and enforce the provisions of the Standards for Workplace Drug and Alcohol Testing Act. The Board shall have the power and duty to

promulgate, prescribe, amend and repeal rules for the licensure and regulation of testing facilities and for the establishment and regulation of minimum testing standards and procedures, which shall include, but not be limited to, the following:

1. Qualifications of testing facilities which shall include the requirement that facilities doing urine analysis for initial or confirmation tests either be certified for forensic urine drug testing pursuant to guidelines or regulations of the federal Department of Health and Human Services or be accredited for forensic urine drug testing by the College of American Pathologists or other organizations recognized by the State Board of Health;

2. Qualifications of testing facility personnel;

3. Body component samples that are appropriate for drug and alcohol testing, to include saliva, urine and hair;

4. The drugs in addition to marihuana, cocaine, opiates, amphetamines and phencyclidine, and their metabolites, for which testing may be conducted;

5. Methods of analysis and internal quality control procedures to ensure reliable test results;

6. Internal review and certification process for test results;

7. Security measures to preclude adulteration;

8. Chain-of-custody procedures;

9. Retention and storage procedures and durations to ensure availability of samples for retesting;

10. Procedures for ensuring confidentiality of test results;

11. Proficiency testing;

12. Training and qualifications of review officers which shall include, but not be limited to, licensure to practice medicine and surgery or osteopathic medicine or holding a doctorate in clinical chemistry, forensic toxicology, or a similar biomedical science;

13. Training and qualifications of collection site personnel;

14. Sample collection procedures that ensure the privacy of the individual and prevent and detect tampering with the sample; ~~and~~

15. Sample documentation, storage and transportation to the testing facility; and

16. Procedures for the testing facility to provide the necessary documentation of testing procedures and test results to the employer requesting testing services as may be required by a court or administrative proceeding.

B. The rules promulgated by the State Board of Health pursuant to the provisions of this act shall in all applicable respects be consistent with any federal laws and regulations for drug and alcohol testing in the workplace and shall include safeguards, standards and procedures not less stringent than those applicable to federally regulated drug and alcohol testing in the workplace, except where to do so would create a conflict with a provision of this act.

SECTION 4. This act shall become effective November 1, 2006.

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