

and

Worthen of the House

An Act relating to labor; amending 40 O.S. 2001, Sections 165.1 and 165.4, which relate to definitions and to bona fide disagreement; adding definition; updating outline and language; clarifying bona fide disagreement; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.1, is amended to read as follows:

Section 165.1 As used only in Sections 165.1 through 165.11 of this title:

1. "Employer" means every individual, partnership, firm, association, corporation, the legal representative of a deceased individual, or the receiver, trustee or successor of an individual, firm, partnership, association or corporation, employing any person in this state;

2. "Employee" means any person permitted to work by an employer;

3. "Exempt employee" means those management level employees exempt under the provisions of Section 213 of the Fair Labor Standards Act, as amended, 29 U.S.C. Section 213, from the provisions of Sections 206 and 207 of said act;

4. "Wages" means compensation owed by an employer to an employee for labor or services rendered, including salaries, commissions, holiday and vacation pay, overtime pay, severance or dismissal pay, bonuses and other similar advantages agreed upon between the employer and the employee, which are earned and due, or provided by the employer to his employees in an established policy,

whether the amount is determined on a time, task, piece, commission or other basis of calculation; ~~and~~

5 "Commissioner" means State Commissioner of Labor; and

6. "Bona fide disagreement" means an honest and sincere belief or assertion based on a dispute of a relevant fact or application of law under this title which is supported by relevant evidence.

SECTION 2. AMENDATORY 40 O.S. 2001, Section 165.4, is amended to read as follows:

Section 40-165.4 A. In case of a bona fide disagreement over the amount of wages, the employer shall:

1. give written notice to the employee of the amount of wages which he concedes to be due, and

2. ~~shall~~ pay such amount, without condition, within the time required by Sections 165.2 and 165.3 of this title~~;~~.

~~provided, however, that acceptance~~

B. Acceptance by the employee of any payment made ~~hereunder~~ under this section shall not constitute a release as to the balance of his claim.

C. Payment in accordance with this section shall constitute payment for the purposes of complying with Sections 165.2 and 165.3 of this title, ~~if, but only if,~~ only in those instances where there exists a bona fide disagreement over the amount of wages as defined by Section 165.1 of this title.

D. The Commissioner may set the contested amounts for administrative hearing pursuant to Section ~~3~~ 165.7 of this ~~act~~ title.

SECTION 3. This act shall become effective November 1, 2005.

Passed the Senate the 17th day of March, 2005.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2005.

Presiding Officer of the House
of Representatives