SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION BY SENATE

FLOOR AMENDMENT

_____

No._____

_____
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 722, Page 1, Line 10,

as follows:

By deleting Section 1 and inserting new SECTIONS 1 and 2 to read as follows, by renumbering subsequent sections, and by amending the title to conform.

SECTION 1. 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 2. 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.

Submitted by:

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Senator Jolley

Jolley-ARE-FA-SB722
6/13/2015 2:45 AM