

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1553

By: Adelson

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2001, Sections 197.2 and 197.4, which relate to the Oklahoma Minimum Wage Act; providing for certain increases in the minimum wage; modifying exceptions; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2001, Section 197.2, is amended to read as follows:

Section 197.2 It shall be unlawful to employ workers in any industry or occupation within ~~the State of Oklahoma~~ this state under conditions of labor detrimental to their health or morals and it shall be unlawful to employ workers in any industry within ~~the State of Oklahoma~~ this state at wages which are not adequate for their maintenance. Except as otherwise provided in the Oklahoma Minimum Wage Act, no employer within ~~the State of Oklahoma~~ this state shall pay any employee a wage ~~of~~ less than the higher of Five Dollars and sixty-five cents (\$5.65) per hour for the year beginning on January 1, 2007 or Six Dollars and fifteen cents (\$6.15) per hour beginning on January 1, 2008, or the current federal minimum wage for all hours worked.

SECTION 2. AMENDATORY 40 O.S. 2001, Section 197.4, is amended to read as follows:

Section 197.4 As used in this act:

~~(a)~~ 1. "Commissioner" means the Commissioner of Labor;

~~(b)~~ 2. "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;

~~(e)~~ 3. "Employ" includes to suffer or to permit to work;

~~(d)~~ 4. "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)~~ 5 of this section; and

~~(e)~~ 5. "Employee" includes any individual employed by an employer but shall not include:

~~(1)~~ ~~An~~

a. 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 farm and its tools and equipment; +1

~~(2)~~ ~~Any~~

b. any individual employed in domestic service in or about a private home; +1

~~(3) Any~~

c. any individual employed by the United States government~~†, 1~~

~~(4) Any~~

d. any individual working as a volunteer in a charitable, religious or other nonprofit organization~~†, 1~~

~~(5) Any~~

e. any newspaper vendor or carrier~~†, 1~~

~~(6) Any~~

f. 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; 1~~

~~(8) Any~~

g. any employee employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman~~†, 1~~

~~(9) Any~~

h. 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 twenty-five (25) hours a week~~†, 1~~

~~(10) Any~~

i. 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~~†, 1~~

~~(11) Any~~

j. any individual employed in a feedstore operated primarily for the benefit and use of farmers and ranchers~~†~~, or

~~(12) Any~~

k. any individual working as a reserve force deputy sheriff.

SECTION 3. This act shall become effective November 1, 2006.

50-2-2972

LKS

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