

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 741

By: Bass

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2001, Section 165.1, which relates to protection of labor; modifying definition; 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. Employers which combine and/or categorize vacation leave, sick leave, personal leave, bereavement leave and/or holiday time, as well as any other leave offered an employee during his or her employment under the term "Paid Time Off" (PTO), or some equivalent thereof, shall be required to demonstrate which portion, if any, of such PTO is properly considered a separate compensable benefit, either as set forth within the employer's written policies and procedures, the employer's practices or by case law. If an employer is unable or unwilling to demonstrate which portion, if any, of such PTO is properly considered a compensable benefit, then if any portion or element of the PTO is determined to be a compensable benefit, either as set forth within the employer's written policies and procedures, the employer's practices or by case law, then all portions shall be considered separate compensable benefits. If an employer is unable or unwilling to make the forgoing demonstration, then it will be presumed that the PTO is fully compensable to the employee; and

5. "Commissioner" means State Commissioner of Labor.

SECTION 2. This act shall become effective November 1, 2005.

50-1-727

LKS

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