

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1191

By: Paddack

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6 AS INTRODUCED

7 An Act relating to labor; amending Section 7, Chapter
8 112, O.S.L. 2007 (25 O.S. Supp. 2007, Section 1313),
9 which relates to discriminatory discharge of certain
employees; providing additional exemption from
certain liability; and providing an effective date.

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

13 SECTION 1. AMENDATORY Section 7, Chapter 112, O.S.L.
14 2007 (25 O.S. Supp. 2007, Section 1313), is amended to read as
15 follows:

16 Section 1313. A. Every public employer shall register with and
17 utilize a Status Verification System as described in subparagraphs a
18 or b of paragraph 1 of Section 6 of this act to verify the federal
19 employment authorization status of all new employees.

20 B. 1. After July 1, 2008, no public employer shall enter into
21 a contract for the physical performance of services within this
22 state unless the contractor registers and participates in the Status
23 Verification System to verify the work eligibility status of all new
24 employees.

1 2. After July 1, 2008, no contractor or subcontractor who
2 enters into a contract with a public employer shall enter into such
3 a contract or subcontract in connection with the physical
4 performance of services within this state unless the contractor or
5 subcontractor registers and participates in the Status Verification
6 System to verify information of all new employees.

7 3. The provisions of this subsection shall not apply to any
8 contracts entered into prior to the effective date of this section
9 even though such contracts may involve the physical performance of
10 services within this state after July 1, 2008.

11 C. 1. It shall be a discriminatory practice for an employing
12 entity to discharge an employee working in Oklahoma who is a United
13 States citizen or permanent resident alien while retaining an
14 employee who the employing entity knows, or reasonably should have
15 known, is an unauthorized alien hired after July 1, 2008, and who is
16 working in Oklahoma in a job category that requires equal skill,
17 effort, and responsibility, and which is performed under similar
18 working conditions, as defined by 29 U.S.C., Section 206(d)(1), as
19 the job category held by the discharged employee.

20 2. An employing entity which 7:

21 a. on the date of the discharge in question, was
22 currently enrolled in and used a Status Verification
23 System to verify the employment eligibility of its
24 employees in Oklahoma hired after July 1, 2008, or

1 b. discharged the employee in question for misconduct,
2 insubordination, inefficiency, habitual drunkenness,
3 inability to perform the duties of the position in
4 which employed, willful violation of the employer's
5 terms of employment, conviction of a crime involving
6 moral turpitude, or any other just cause,

7 shall be exempt from liability, investigation, or suit arising from
8 any action under this section.

9 3. No cause of action for a violation of this subsection shall
10 arise anywhere in Oklahoma law but from the provisions of this
11 subsection.

12 SECTION 2. This act shall become effective November 1, 2008.

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