

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 527

By: Ballenger and Garrison of
the Senate

3
4 and

5 Proctor of the House
6
7

8 (labor - semimonthly or monthly payment of wages on
9 regular paydays - modifying certain notice or
10 notices -

11 effective date)
12
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14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert
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16 "An Act relating to labor; amending 40 O.S. 2001,
Sections 165.2, as last amended by Section 2,
17 Chapter 277, O.S.L. 2006, and 197.6 (40 O.S. Supp.
2008, Section 165.2), which relate to the
18 semimonthly or monthly payment of wages on regular
paydays; requiring an employer who pays an employee
19 with a check that a bank refuses to honor to
reimburse an employee for certain fees or costs
20 incurred within a certain time; modifying the
required size of certain notice or notices; making
21 language gender neutral; and providing an effective
date.
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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

1 SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.2, as
2 last amended by Section 2, Chapter 277, O.S.L. 2006 (40 O.S. Supp.
3 2008, Section 165.2), is amended to read as follows:

4 Section 165.2 Every employer in this state shall pay all wages
5 due the employees, other than exempt employees and employees of
6 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and
7 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on
8 regular paydays designated in advance by the employer. State,
9 county and municipal employees, exempt employees, and employees of
10 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and
11 26 U.S.C. 170(b)(1)(A)(vi) shall be paid a minimum of once each
12 calendar month. The amount due such employees shall be paid in
13 lawful money of the United States, including payment by electronic
14 means, and the employee shall not be deemed to have waived any right
15 or rights mentioned in this section because of any contract to the
16 contrary. With each payment of wages earned by such employee, the
17 employer shall issue to such employee a brief itemized statement of
18 any and all deductions therefrom. An interval of not more than
19 eleven (11) days may elapse between the end of the pay period worked
20 and the regular payday designated by the employer. The employer
21 shall be allowed three (3) days after such payday in which to comply
22 with this section.

23 No such employer shall issue, in payment of or as evidence of
24 indebtedness due an employee any check, cashier's check, draft, time

1 check, store order, scrip, or other acknowledgment of indebtedness
2 unless the same is payable or redeemable upon demand without
3 discount and for face value in lawful money of the United States.
4 If an employer pays an employee with a check which is subsequently
5 returned to the employee or an agent thereof by reason of the
6 refusal of the bank upon which such check was drawn to honor the
7 same due to insufficient funds or a stop payment notice, the
8 employer shall reimburse the employee for any fees or costs incurred
9 by the employee due to the refusal to honor the check within
10 fourteen (14) days of the employer's notice of the bank's refusal to
11 honor the check.

12 SECTION 2. AMENDATORY 40 O.S. 2001, Section 197.6, is
13 amended to read as follows:

14 Section 197.6 On and after August 1, 1965, every employer,
15 subject to this act, shall post a notice or notices of the pertinent
16 provisions of this act in such form as may be prescribed and
17 furnished by the Commissioner of Labor. ~~Said~~ The notice shall be
18 not less than eight and one-half (8 1/2) inches by eleven (11)
19 inches ~~by seventeen (17) inches~~ in size and shall be displayed in
20 such a manner so as to be accessible to all employees in each
21 establishment under the control of the employer. The Commissioner,
22 or his or her duly authorized representative, may, for the purpose
23 of determining whether such notice has been properly posted, enter,
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