

3 Senate Bill No. 527
4 As Amended

5 SENATE BILL NO. 527 - By: Ballenger of the Senate and Proctor of the
6 House.

7 [labor - semimonthly or monthly payment of wages on regular
8 paydays - modifying certain notice or notices - effective
9 date]

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

11 SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.2, as
12 last amended by Section 2, Chapter 277, O.S.L. 2006 (40 O.S. Supp.
13 2008, Section 165.2), is amended to read as follows:

14 Section 165.2 Every employer in this state shall pay all wages
15 due the employees, other than exempt employees and employees of
16 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and
17 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on
18 regular paydays designated in advance by the employer. State,
19 county and municipal employees, exempt employees, and employees of
20 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and
21 26 U.S.C. 170(b)(1)(A)(vi) shall be paid a minimum of once each
22 calendar month. The amount due such employees shall be paid in
23 lawful money of the United States, including payment by electronic
24 means, and the employee shall not be deemed to have waived any right
25 or rights mentioned in this section because of any contract to the

1 contrary. With each payment of wages earned by such employee, the
2 employer shall issue to such employee a brief itemized statement of
3 any and all deductions therefrom. An interval of not more than
4 eleven (11) days may elapse between the end of the pay period worked
5 and the regular payday designated by the employer. The employer
6 shall be allowed three (3) days after such payday in which to comply
7 with this section.

8 No such employer shall issue, in payment of or as evidence of
9 indebtedness due an employee any check, cashier's check, draft, time
10 check, store order, scrip, or other acknowledgment of indebtedness
11 unless the same is payable or redeemable upon demand without
12 discount and for face value in lawful money of the United States.
13 If an employer pays an employee with a check which is subsequently
14 returned to the employee or an agent thereof by reason of the
15 refusal of the bank upon which such check was drawn to honor the
16 same **due to insufficient funds or a stop payment notice**, the
17 employer shall reimburse the employee for any fees or costs incurred
18 by the employee due to the refusal to honor the check within
19 fourteen (14) days of the employer's notice of the bank's refusal to
20 honor the check.

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

1 Section 197.6 On and after August 1, 1965, every employer,
2 subject to this act, shall post a notice or notices of the pertinent
3 provisions of this act in such form as may be prescribed and
4 furnished by the Commissioner of Labor. ~~Said~~ The notice shall be
5 not less than eight and one half (8 1/2) inches by eleven (11)
6 inches ~~by seventeen (17) inches~~ in size and shall be displayed in
7 such a manner so as to be accessible to all employees in each
8 establishment under the control of the employer. The Commissioner,
9 or his or her duly authorized representative, may, for the purpose
10 of determining whether such notice has been properly posted, enter,
11 during business hours, upon the premises of any employer subject to
12 this act.

13 SECTION 3. This act shall become effective November 1, 2009.

14 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & LABOR, dated 2-9-09 -
15 DO PASS, As Amended and Coauthored.