

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1630

By: Coates

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7 AS INTRODUCED

8 An Act relating to labor; amending 40 O.S. 2001,
9 Sections 165.7, which relates to wage claims;
10 directing payment of costs of service; providing an
11 effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.7, is
15 amended to read as follows:

16 Section 165.7 A. The Commissioner of Labor shall enforce and
17 administer the provisions of this act and in any case where a civil
18 action may be brought for the collection of a wage claim, the
19 Commissioner of Labor may provide for an administrative proceeding
20 to determine the validity and enforce collection of the claim. The
21 administrative proceeding shall be conducted according to the
22 Administrative Procedures Act.

23 B. In any case when the Commissioner has received a wage
24 complaint, the Commissioner may seek collection of such claim

1 through administrative proceedings in a manner provided in this
2 section. The Commissioner may join in a single administrative
3 proceeding any number of wage claims against the same employer. The
4 Commissioner shall serve upon the employer an order of determination
5 directing the employer to pay to the Commissioner the amount of the
6 wage claim ~~and~~, any penalty amounts, and reasonable costs of
7 service. Service shall be made by regular mail to the employer's
8 last-known address. The order of determination shall include:

9 1. A reference to the particular sections of the statutes or
10 rules involved;

11 2. A short and concise statement of the basis for the amounts
12 determined to be owed to each wage claimant;

13 3. A statement that the employer within twenty (20) days after
14 receipt of the order of determination must pay in full the wage
15 claim and any penalties assessed on appeal to district court; and

16 4. A statement that unless a written request for
17 reconsideration is received by the Commissioner or the order is
18 appealed to district court within the time specified, the order of
19 determination shall become final.

20 C. Upon failure of the employer to pay the amount specified in
21 the order of determination or to request reconsideration or appeal
22 to district court, the order of determination shall become final.

23 D. A hearing shall be held in accordance with the applicable
24 provisions of the Administrative Procedures Act by the Commissioner

1 or the Commissioner's designee. The Commissioner shall adopt rules
2 for such hearing. In any hearing before the Commissioner's
3 designee, the designee is authorized to issue the final order in the
4 case.

5 E. Final administrative orders issued in a wage claim
6 proceeding are subject to appeal pursuant to the Administrative
7 Procedures Act.

8 F. When an order under this section becomes final by operation
9 of law or an appeal, and the amount due is not paid within twenty
10 (20) days after the order becomes final, the order may be recorded
11 with the county clerk in any county of this state. The clerk shall
12 thereupon record the name of the person incurring the penalty and
13 the amount of the penalty in the county clerk's lien record. The
14 order may be collected as any other money judgment.

15 G. The remedies provided by Sections 165.1 through 165.11 of
16 this title shall be additional to and not in substitution for and in
17 no manner impair other remedies. Additionally, one or more
18 individuals who are aggrieved by violation of any provision of
19 Sections 165.1 through 165.11 of this title shall be entitled to
20 bring an action in his or their own name to enforce the provisions
21 of such sections.

22 SECTION 2. This act shall become effective July 1, 2010.

23 SECTION 3. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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