

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 527

By: Ballenger

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5  
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2001,  
8 Section 165.2, as last amended by Section 2, Chapter  
9 277 O.S.L. 2006 (40 O.S. Supp. 2006, Section 165.2)  
10 and Section 197.6, which relate to the semimonthly or  
11 monthly payment of wages on regular paydays;  
12 requiring an employer who pays an employee with a  
13 check that a bank refuses to honor to reimburse an  
14 employee for certain fees or costs incurred within a  
15 certain time; modifying the required size of certain  
16 notice or notices; making language gender neutral;  
17 and providing an effective date.

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

19 SECTION 1. AMENDATORY 40 O.S. 2001, Section 165.2, as  
20 last amended by Section 2, Chapter 277, O.S.L. 2006 (40 O.S. Supp.  
21 2008, Section 165.2), is amended to read as follows:

22 Section 165.2 Every employer in this state shall pay all wages  
23 due the employees, other than exempt employees and employees of  
24 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and  
26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on  
regular paydays designated in advance by the employer. State,  
county and municipal employees, exempt employees, and employees of

1 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and  
2 26 U.S.C. 170(b)(1)(A)(vi) shall be paid a minimum of once each  
3 calendar month. The amount due such employees shall be paid in  
4 lawful money of the United States, including payment by electronic  
5 means, and the employee shall not be deemed to have waived any right  
6 or rights mentioned in this section because of any contract to the  
7 contrary. With each payment of wages earned by such employee, the  
8 employer shall issue to such employee a brief itemized statement of  
9 any and all deductions therefrom. An interval of not more than  
10 eleven (11) days may elapse between the end of the pay period worked  
11 and the regular payday designated by the employer. The employer  
12 shall be allowed three (3) days after such payday in which to comply  
13 with this section.

14 No such employer shall issue, in payment of or as evidence of  
15 indebtedness due an employee any check, cashier's check, draft, time  
16 check, store order, scrip, or other acknowledgment of indebtedness  
17 unless the same is payable or redeemable upon demand without  
18 discount and for face value in lawful money of the United States.  
19 If an employer pays an employee with a check which is subsequently  
20 returned to the employee or an agent thereof by reason of the  
21 refusal of the bank upon which such check was drawn to honor the  
22 same, the employer shall reimburse the employee for any fees or  
23 costs incurred by the employee due to the refusal to honor the check

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1 within fourteen (14) days of the employer's notice of the bank's  
2 refusal to honor the check.

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

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

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

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19 52-1-826 LKS 3/6/2009 5:06:51 AM

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