STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1757 By: Nollan

COMMITTEE SUBSTITUTE

An Act relating to school employees; amending 40 O.S. 2011, Section 165.2, which relates to semimonthly or monthly payment of wages; adding certain school district employees to requirement for monthly payment of wages; authorizing certain school district boards of education to pay support employees on a monthly basis; providing for manner of payments; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 40 O.S. 2011, Section 165.2, is amended to read as follows:

Section 165.2 Every employer in this state shall pay all wages due ~~the~~ their employees, other than exempt employees and employees of 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, school district employees, technology center school district employees and employees

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

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-106.3 of Title 70, unless there is created a duplication in numbering, reads as follows:

A school district board of education, including a technology center school district board of education, may contract with and pay all support employees, as defined in Section 6-101.40 of Title 70 of the Oklahoma Statutes, monthly, semimonthly or biweekly over ten (10), eleven (11) or twelve (12) calendar months or in twelve monthly payments which may be for calendar months or fractional parts thereof in the same manner as provided for the payment of teachers in Section 6-106 of Title 70 of the Oklahoma Statutes.

SECTION 3. This act shall become effective July 1, 2013.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

54-1-7232 CJB 02/21/13