

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 1757

6 By: Nollan

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to school employees; amending 40 O.S.  
9 2011, Section 165.2, which relates to semimonthly or  
10 monthly payment of wages; adding certain school  
11 district employees to requirement for monthly payment  
12 of wages; authorizing certain school district boards  
13 of education to pay support employees on a monthly  
14 basis; providing for manner of payments; providing  
15 for codification; providing an effective date; and  
16 declaring an emergency.

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

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

20 Section 165.2 Every employer in this state shall pay all wages  
21 due ~~the~~ their employees, other than exempt employees and employees  
22 of nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1)  
23 and 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month  
24 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

1 of nonprivate foundations qualified pursuant to 26 U.S.C. 509(a) (1)  
2 and 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 due to insufficient funds or a stop payment notice, the  
23 employer shall reimburse the employee for any fees or costs incurred  
24 by the employee due to the refusal to honor the check within

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

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

6 A school district board of education, including a technology  
7 center school district board of education, may contract with and  
8 pay all support employees, as defined in Section 6-101.40 of Title  
9 70 of the Oklahoma Statutes, monthly, semi-monthly or bi-weekly over  
10 ten (10), eleven (11) or twelve (12) calendar months or in twelve  
11 (12) monthly payments which may be for calendar months or fractional  
12 parts thereof in the same manner as provided for the payment of  
13 teachers in Section 6-106 of Title 70 of the Oklahoma Statutes.

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

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

19

20 54-1-7111 AM 02/18/13

21

22

23

24