

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 2929

By: Dunnington, Young,
Griffith, Virgin, Lockhart,
Wood, Sherrer, Scott,
Shelton and Hoskin of the
House

and

Loveless of the Senate

[labor - discriminatory wages - Commissioner of
Labor - effective date]

13 AUTHOR: Add the following House Coauthors: Henke, Osborn and
McDaniel (Randy)

15 AUTHOR: Add the following Senate Coauthors: David, Griffin, Floyd,
Pittman and Matthews

17 AMENDMENT NO. 1. Page 1, strike the stricken title, enacting clause
and entire bill and insert

"[labor - discriminatory wages - Commissioner of
Labor - effective date]

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

22 SECTION 1. AMENDATORY 40 O.S. 2011, Section 198.1, is
23 amended to read as follows:

1 Section 198.1 It shall be unlawful for any employer within the
2 State of Oklahoma to willfully pay wages to women employees at a
3 rate less than the rate at which he or she pays any employee of the
4 opposite sex for comparable work on jobs which have comparable
5 requirements relating to skill, effort and responsibility, except
6 where such payment is made pursuant to a seniority system; a merit
7 system; a system which measures earnings by quantity or quality of
8 production; or a differential based on any factor other than sex.

9 SECTION 2. AMENDATORY 40 O.S. 2011, Section 198.2, is
10 amended to read as follows:

11 Section 198.2. It shall be the duty of the Commissioner of
12 Labor to enforce the ~~provisions of this act~~ labor laws of this
13 state. Whenever the Commissioner is informed of any violations
14 thereof, it shall be his or her duty to investigate same and, in his
15 or her discretion, said Commissioner is hereby authorized to
16 institute proceedings for the enforcement of penalties herein
17 provided before any court of competent jurisdiction. Any employer
18 who violates the ~~provisions of this act~~ labor laws of this state
19 shall be deemed guilty of a misdemeanor and shall upon conviction
20 thereof, be punished by a fine of not less than ~~Twenty-five Dollars~~
21 ~~(\$25.00)~~ Fifty Dollars (\$50.00) nor more than ~~One Hundred Dollars~~
22 ~~(\$100.00)~~ Two Hundred Dollars (\$200.00).

23 SECTION 3. This act shall become effective November 1, 2016."
24

1 and when the title is restored, amend the title to
2 conform

3 Passed the Senate the 20th day of April, 2016.
4

5 _____
6 Presiding Officer of the Senate

7 Passed the House of Representatives the ____ day of _____,
8 2016.

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10 _____
11 Presiding Officer of the House
12 of Representatives
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By: Dunnington, Young,
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5 and

6 Loveless of the Senate

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8
9 [labor - discriminatory wages - Commissioner of
10 Labor - effective date]

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 40 O.S. 2011, Section 198.1, is
15 amended to read as follows:

16 Section 198.1 A. It shall be unlawful for any employer within
17 the State of Oklahoma to willfully pay wages to women employees at a
18 rate less than ~~the rate at which he pays any~~ an employee of the
19 opposite sex for comparable work on jobs which have comparable
20 requirements relating to skill, effort and responsibility, except
21 where such payment is made pursuant to a seniority system; a merit
22 system; a system which measures earnings by quantity or quality of
23 production; or a differential based on any factor other than sex.

1 B. It shall be unlawful for an employer to discharge or in any
2 other manner discriminate against an employee because the employee
3 has inquired about, discussed or disclosed the wages of the employee
4 or another employee with someone employed by the company.

5 SECTION 2. AMENDATORY 40 O.S. 2011, Section 198.2, is
6 amended to read as follows:

7 Section 198.2 A. It shall be the duty of the Commissioner of
8 Labor to enforce the provisions of this act. Whenever the
9 Commissioner is informed of any violations thereof, it shall be his
10 or her duty to investigate ~~same and, in his discretion, said the~~
11 Commissioner is hereby authorized to institute proceedings for the
12 enforcement of penalties ~~herein provided before any court of~~
13 ~~competent jurisdiction~~ and civil fines. ~~Any employer who violates~~
14 ~~the provisions of this act shall be deemed guilty of a misdemeanor~~
15 ~~and shall upon conviction thereof, be punished by~~ The Commissioner
16 is authorized to issue a civil fine of not less than ~~Twenty-five~~
17 ~~Dollars (\$25.00)~~ Fifty Dollars (\$50.00) nor more than ~~One Hundred~~
18 ~~Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) for each separate
19 violation per pay period. In addition, the employer shall pay any
20 back pay found to be owed to the employee.

21 B. Upon final determination of a violation of this act, the
22 Commissioner may, to recover the cost of investigation and
23 proceedings, keep an amount equal to twenty-five percent (25%) of
24 the back pay owed to the employee to be deposited in the Department

1 of Labor Revolving Fund. All civil fines recovered pursuant to the
2 provisions of this section shall be deposited in the General Revenue
3 Fund of this state.

4 SECTION 3. This act shall become effective November 1, 2016.

5 Passed the House of Representatives the 8th day of March, 2016.

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7
8 Presiding Officer of the House
of Representatives

9 Passed the Senate the ___ day of _____, 2016.

10
11
12 Presiding Officer of the Senate