

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL NO. 432

By: Floyd

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to labor; amending 40 O.S. 2011,  
9 Sections 198.2 and 199, which relate to enforcement  
10 penalties; increasing amount of certain penalties;  
11 making language gender neutral; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 40 O.S. 2011, Section 198.2, is  
15 amended to read as follows:

16 Section 198.2. It shall be the duty of the Commissioner of  
17 Labor to enforce the provisions of Section 198.1 of this act title.  
18 Whenever the Commissioner is informed of any violations thereof, it  
19 shall be his or her duty to investigate same and, in his or her  
20 discretion, ~~said~~ the Commissioner is hereby authorized to institute  
21 proceedings for the enforcement of penalties herein provided before  
22 any court of competent jurisdiction. Any employer who violates the  
23 provisions of Section 198.1 of this act title shall be deemed guilty  
24 of a misdemeanor and shall upon conviction thereof, be punished by a

1 fine of not less than ~~Twenty-five Dollars (\$25.00)~~ One Hundred  
2 Seventy-five Dollars (\$175.00) nor more than ~~One Hundred Dollars~~  
3 ~~(\$100.00)~~ Seven Hundred Fifty Dollars (\$750.00).

4 SECTION 2. AMENDATORY 40 O.S. 2011, Section 199, is  
5 amended to read as follows:

6 Section 199. A. It shall be a misdemeanor for any employer, as  
7 defined in Section 165.1 of this title, or his or her agent to  
8 discharge, penalize or in any other manner discriminate against any  
9 employee because:

10 1. The employee has filed a complaint with his or her employer,  
11 or the Commissioner of Labor or his or her authorized  
12 representative, to enforce any provision of Sections 71 through  
13 198.2 of this title;

14 2. The employee has caused to be instituted a proceeding or  
15 investigation related to an alleged violation of any provision of  
16 Sections 71 through 198.2 of this title; or

17 3. The employee has testified or is about to testify in an  
18 investigation or proceeding under this title.

19 B. Every employer, as defined in Section 165.1 of this title,  
20 or his or her agent shall be guilty of a misdemeanor if:

21 1. The filing of a complaint with the employer, Commissioner of  
22 Labor or his or her authorized representative, or the taking of any  
23 action directly related to the complaint by any employee is a  
24 substantial and material factor in the discharge, penalization of or

1 any other discrimination against the employee by the employer or his  
2 or her agent; or

3 2. The employer or his or her agent has acted in a manner which  
4 has the effect of discouraging, restraining, coercing or interfering  
5 with any employee in the exercise of the employee's rights contained  
6 in Sections 71 through 198.2 of this title.

7 C. Every person convicted of violating a prohibition of this  
8 section shall be fined not less than ~~Fifty Dollars (\$50.00)~~ Three  
9 Hundred Seventy-five Dollars (\$375.00) nor more than ~~Two Hundred~~  
10 ~~Dollars (\$200.00)~~ One Thousand Five Hundred Dollars (\$1,500.00) or  
11 imprisoned in the county jail for not less than five (5) days nor  
12 more than thirty (30) days, or both.

13 SECTION 3. This act shall become effective November 1, 2015.

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