

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2929

By: Dunnington, Young,
Griffith, Virgin, Lockhart,
Wood, Sherrer, Scott,
Shelton, Hoskin, Henke,
Osborn and McDaniel (Randy)
of the House

8 and

9 Loveless, David, Griffin,
10 Floyd, Pittman and Matthews
of the Senate

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13 CONFERENCE COMMITTEE SUBSTITUTE

14 An Act relating to labor; amending 40 O.S. 2011,
15 Sections 198.1 and 198.2, which relate to
16 discriminatory wages; prohibiting certain actions by
17 employer; increasing penalties; authorizing recovery
of costs; requiring civil fines be deposited in
General Revenue Fund; and providing an effective
date.

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

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

23 Section 198.1 A. It shall be unlawful for any employer within
24 the State of Oklahoma to willfully pay wages to women employees at a

1 rate less than ~~the rate at which he pays any~~ an employee of the
2 opposite sex for comparable work on jobs which have comparable
3 requirements relating to skill, effort and responsibility, except
4 where such payment is made pursuant to a seniority system; a merit
5 system; a system which measures earnings by quantity or quality of
6 production; or a differential based on any factor other than sex.

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

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

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

1 violation per pay period. In addition, the employer shall pay any
2 back pay found to be owed to the employee.

3 B. Upon final determination of a violation of this act, the
4 Commissioner may, to recover the cost of investigation and
5 proceedings, keep an amount equal to twenty-five percent (25%) of
6 the back pay owed to the employee to be deposited in the Department
7 of Labor Revolving Fund. All civil fines recovered pursuant to the
8 provisions of this section shall be deposited in the General Revenue
9 Fund of this state.

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

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12 55-2-9900 LRB 04/28/16

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