

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 432

By: Floyd

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2011, Sections 198.2 and 199, which relate to enforcement penalties; modifying amount of certain penalties; construing provision for restitution; making language gender neutral; 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 198.2, is amended to read as follows:

Section 198.2. It shall be the duty of the Commissioner of Labor to enforce the provisions of Section 198.1 of this act title. Whenever the Commissioner is informed of any violations thereof, it shall be his or her duty to investigate same and, in his or her discretion, ~~said~~ the Commissioner is hereby authorized to institute proceedings for the enforcement of penalties herein provided before any court of competent jurisdiction. Any employer who violates the provisions of Section 198.1 of this act title shall be deemed guilty of a misdemeanor and shall upon conviction thereof, be punished by a fine of not less than ~~Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00)~~ One Hundred Seventy-five Dollars (\$175.00)

1 nor more than three times the amount of backpay which resulted from
2 wage discrimination or Five Thousand Dollars (\$5,000.00), whichever
3 is greater. Each day a violation exists shall constitute a separate
4 wage violation. In addition to the criminal penalty herein
5 provided, the person aggrieved by the wage violation shall be
6 entitled to restitution in an amount equal to the amount of backpay
7 which loss directly resulted from an act of wage discrimination;
8 however, such restitution authorized by this section shall not be
9 paid in addition to backpay ordered pursuant to Section 1350 of
10 Title 25 of the Oklahoma Statutes.

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

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

17 1. The employee has filed a complaint with his or her
18 employer, or the Commissioner of Labor or his or her authorized
19 representative, to enforce any provision of Sections 71 through
20 198.2 of this title;

21 2. The employee has caused to be instituted a proceeding or
22 investigation related to an alleged violation of any provision of
23 Sections 71 through 198.2 of this title; or
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1 3. The employee has testified or is about to testify in an
2 investigation or proceeding under this title.

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

5 1. The filing of a complaint with the employer, Commissioner of
6 Labor or his or her authorized representative, or the taking of any
7 action directly related to the complaint by any employee is a
8 substantial and material factor in the discharge, penalization of or
9 any other discrimination against the employee by the employer or his
10 or her agent; or

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

15 C. Every person convicted of violating a prohibition of this
16 section shall be fined not less than ~~Fifty Dollars (\$50.00) nor more~~
17 ~~than Two Hundred Dollars (\$200.00) or imprisoned in the county jail~~
18 ~~for not less than five (5) days nor more than thirty (30) days, or~~
19 ~~both~~ Three Hundred Seventy-five Dollars (\$375.00) nor more than Five
20 Thousand Dollars (\$5,000.00).

21 SECTION 3. This act shall become effective July 1, 2015.

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

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