

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2929

By: Dunnington, Young, Griffith
and Virgin of the House

and

Loveless of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

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

1 system; a system which measures earnings by quantity or quality of
2 production; or a differential based on any factor other than sex.

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

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

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

23 B. Upon final determination of a violation of this act, the
24 Commissioner may, to recover the cost of investigation and

1 proceedings, keep an amount equal to twenty-five percent (25%) of
2 the back pay owed to the employee to be deposited in the Department
3 of Labor Revolving Fund. All civil fines recovered pursuant to the
4 provisions of this section shall be deposited in the General Revenue
5 Fund of this state.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
9 02/18/2016 - DO PASS, As Amended and Coauthored.
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