

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1530 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Jason Dunnington

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 1530

By: Dunnington

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to labor; amending 40 O.S 2011,
Sections 198.1 and 198.2, which relate to
discriminatory wages; prohibiting discrimination in
payment of wages, benefits or other compensation
based on gender; providing exceptions to prohibition;
changing fine to an administrative fine; modifying
amount of fines; and providing an effective date.

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

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

Section 198.1 ~~It shall be unlawful for any~~ A. No employer
~~within the State of Oklahoma to willfully pay wages to women~~
~~employees at a rate~~ shall discriminate in any way in the payment of
wages, benefits or other compensation, as between the sexes, or pay
any person in the employ of the employer salary or wage rates less
than the rate at which he pays any employee rates paid to employees
of the opposite sex for ~~comparable work on jobs which have~~
~~comparable requirements relating to skill, effort and~~

1 ~~responsibility, except where such payment is made pursuant to a~~
2 ~~seniority of like or comparable character or work on like or~~
3 ~~comparable operations; provided, however, that variations in wages,~~
4 ~~benefits or other compensation shall not be prohibited if based~~
5 ~~upon:~~

6 1. A system that rewards seniority with the employer; provided,
7 however, that time spent on leave due to a pregnancy-related
8 condition and federally protected parental, family and medical
9 leave, shall not reduce seniority; a

10 2. A merit system; a

11 3. A system which measures earnings by quantity or quality of
12 production or sales;

13 4. The geographic location in which a job is performed;

14 5. Education, training or experience to the extent such factors
15 are reasonably related to the particular job in question and
16 consistent with business necessity;

17 6. Travel, if the travel is a regular and necessary condition
18 of the particular job; or a

19 7. A differential based on any factor other than sex.

20 B. An employer who is paying a wage differential in violation
21 of this section shall not reduce the pay of any employee in order to
22 comply with this section.

23 C. Any action based upon or arising under this section must be
24 instituted within two (2) years after the date of the alleged

1 violation. For purposes of this section, a violation occurs when a
2 discriminatory compensation decision is adopted, or when an employee
3 becomes subject to a discrimination decision.

4 D. The employer shall not discharge, or in any other manner
5 discriminate against, an employee who inquires about or discusses
6 his or her own pay or the pay of another employee. However,
7 employees who have access to the compensation information of other
8 employees or applicants as a part of their essential job functions
9 cannot disclose the pay of other employees to individuals who do not
10 otherwise have access to compensation information, unless the
11 disclosure is:

12 1. In response to a formal complaint or charge;

13 2. In furtherance of an investigation, proceeding, hearing or
14 action, including an investigation conducted by the employer; or

15 3. Consistent with the employer's legal duty to furnish
16 information.

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

19 Section 198.2 It shall be the duty of the Commissioner of Labor
20 to enforce the provisions of this act. Whenever the Commissioner is
21 informed of any violations thereof, it shall be his or her duty to
22 investigate same and, in his or her discretion, ~~said the~~
23 Commissioner is hereby authorized to ~~institute proceedings for the~~
24 ~~enforcement of penalties herein provided before any court of~~

1 ~~competent jurisdiction. Any employer who violates the provisions of~~
2 ~~this act shall be deemed guilty of a misdemeanor and shall upon~~
3 ~~conviction thereof, be punished by a~~ assess an administrative fine
4 of not less than ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00)
5 nor more than ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars
6 (\$200.00) for employers with twenty-five or fewer full-time
7 employees, or Five Hundred Dollars (\$500.00) for employers with more
8 than twenty-five full-time employees. In addition, upon a finding
9 by the Commissioner of Labor of a violation under this act, the
10 employer shall pay any back pay found to be owed to the employee.

11 SECTION 3. This act shall become effective November 1, 2018.

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13 56-2-9799 SD 02/16/18
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