

1 ENGROSSED SENATE
2 BILL NO. 1527

By: Floyd of the Senate

3 and

4 Henke of the House
5

6 An Act relating to labor; amending 40 O.S. 2011,
7 Sections 198.1 and 198.2, which relate to
8 discriminatory wages; prohibiting discrimination in
9 payment of wages, benefits or other compensation
based on gender; providing exceptions to prohibition;
increasing penalties; updating statutory language;
and providing an effective date.

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

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

15 Section 198.1. ~~It shall be unlawful for any A. No employer~~
16 ~~within the State of Oklahoma to willfully pay wages to women~~
17 ~~employees at a rate~~ shall discriminate in any way in the payment of
18 wages, benefits or other compensation, as between the sexes, or pay
19 any person in the employ of the employer salary or wage rates less
20 than the rate at which he pays any employee rates paid to employees
21 of the opposite sex for comparable work on jobs which have
22 comparable requirements relating to skill, effort and
23 responsibility, except where such payment is made pursuant to a
24 seniority of like or comparable character or work on like or

1 comparable operations; provided, however, that variations in wages,
2 benefits or other compensation shall not be prohibited if based
3 upon:

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

8 2. A merit system; a

9 3. A system which measures earnings by quantity or quality of
10 production or sales;

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

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

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

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

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

21 B. It shall be unlawful for an employer to discharge or in any
22 other manner discriminate against an employee because the employee
23 has inquired about, discussed or disclosed the wages of the employee
24 or another employee with someone employed by the company; however,

1 an employer may prohibit a human resource employee, supervisor or
2 other employee whose job responsibilities require and allow access
3 to other employees' wage information from disclosing such
4 information except as may be required or allowed in the legitimate
5 exercise of their job responsibilities or an employer may discipline
6 or discharge such employee for disclosing any prohibited wage
7 information.

8 C. The provisions of this section shall apply only to employers
9 having one hundred or more employees.

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

12 Section 198.2. It shall be the duty of the Commissioner of
13 Labor to enforce the provisions of ~~this act~~ Section 198.1 of this
14 title. Whenever the Commissioner is informed of any alleged
15 violations thereof, it shall be his or her duty to investigate ~~same~~
16 ~~and, in his discretion, said.~~ The Commissioner is hereby authorized
17 to institute proceedings for the enforcement of ~~penalties herein~~
18 ~~provided before any court of competent jurisdiction~~ violations of
19 the provisions of Section 198.1 of this title. ~~Any employer who~~
20 ~~violates the provisions of this act shall be deemed guilty of a~~
21 ~~misdemeanor and shall upon conviction thereof, be punished by~~ The
22 Commissioner is authorized to impose a fine of not less than ~~Twenty-~~
23 ~~five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than
24 ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) for each

1 separate violation per pay period. In addition, upon a finding by
2 the Commissioner of Labor of a violation under this act, the
3 employer shall pay any back pay found to be owed to the employee.

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

5 Passed the Senate the 14th day of March, 2018.

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8 Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2018.

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12 Presiding Officer of the House
13 of Representatives
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