

1 ENGROSSED HOUSE
2 BILL NO. 1530

By: Dunnington, Inman, Proctor,
Osborn (Leslie), Nollan,
Bush, West (Tammy), Baker,
McDaniel, Munson, Virgin,
Goodwin, Griffith, Henke,
Blancett, Young, Hoskin,
Kerbs, Teague, Walke,
Montgomery, Rosecrants,
Meredith, Gaddis, Bennett
(Forrest), Hall, Thomsen
and Condit of the House

and

Bice of the Senate

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

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

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

21 Section 198.1 ~~It shall be unlawful for any~~ A. No employer
22 ~~within the State of Oklahoma to willfully pay wages to women~~
23 ~~employees at a rate~~ shall discriminate in any way in the payment of
24 wages, benefits or other compensation, as between the sexes, or pay

1 any person in the employ of the employer salary or wage rates less
2 than the rate at which he pays any employee rates paid to employees
3 of the opposite sex for comparable work on jobs which have
4 comparable requirements relating to skill, effort and
5 responsibility, except where such payment is made pursuant to a
6 seniority of like or comparable character or work on like or
7 comparable operations; provided, however, that variations in wages,
8 benefits or other compensation shall not be prohibited if based
9 upon:

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

14 2. A merit system; a

15 3. A system which measures earnings by quantity or quality of
16 production or sales;

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

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

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

23 7. A differential based on any factor other than sex.
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1 B. An employer who is paying a wage differential in violation
2 of this section shall not reduce the pay of any employee in order to
3 comply with this section.

4 C. Any action based upon or arising under this section must be
5 instituted within two (2) years after the date of the alleged
6 violation. For purposes of this section, a violation occurs when a
7 discriminatory compensation decision is adopted, or when an employee
8 becomes subject to a discrimination decision.

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

- 17 1. In response to a formal complaint or charge;
18 2. In furtherance of an investigation, proceeding, hearing or
19 action, including an investigation conducted by the employer; or
20 3. Consistent with the employer's legal duty to furnish
21 information.

22 SECTION 2. AMENDATORY 40 O.S. 2011, Section 198.2, is
23 amended to read as follows:
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1 Section 198.2 It shall be the duty of the Commissioner of Labor
2 to enforce the provisions of this act. Whenever the Commissioner is
3 informed of any violations thereof, it shall be his or her duty to
4 investigate same and, in his or her discretion, ~~said the~~
5 Commissioner is hereby authorized to ~~institute proceedings for the~~
6 ~~enforcement of penalties herein provided before any court of~~
7 ~~competent jurisdiction. Any employer who violates the provisions of~~
8 ~~this act shall be deemed guilty of a misdemeanor and shall upon~~
9 ~~conviction thereof, be punished by a~~ assess an administrative fine
10 of not less than ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00)
11 nor more than ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars
12 (\$200.00) for employers with twenty-five or fewer full-time
13 employees, or Five Hundred Dollars (\$500.00) for employers with more
14 than twenty-five full-time employees. In addition, upon a finding
15 by the Commissioner of Labor of a violation under this act, the
16 employer shall pay any back pay found to be owed to the employee.

17 SECTION 3. This act shall become effective November 1, 2018.
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1 Passed the House of Representatives the 12th day of March, 2018.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2018.

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8 Presiding Officer of the Senate