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March 1, 2018

COMMITTEE SUBSTITUTE  
FOR

SENATE BILL NO. 1527

By: Floyd

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[ labor - discriminatory wages - wages, benefits or
other compensation based on gender - penalties -
effective date ]
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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 responsibility, except where such payment is made pursuant to a seniority of like or comparable character or work on like or comparable operations; provided, however, that variations in wages,

1 benefits or other compensation shall not be prohibited if based  
2 upon:

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

7 2. A merit system; a

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

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

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

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

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

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

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

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

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

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

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

1 the Commissioner of Labor of a violation under this act, the  
2 employer shall pay any back pay found to be owed to the employee.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
5 March 1, 2018 - DO PASS AS AMENDED  
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