

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 195

By: Floyd

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2011, Sections 198.1 and 198.2, which relate to discriminatory wages; prohibiting certain actions by employer; increasing penalties; authorizing recovery of costs; requiring administrative fines be deposited in certain fund; 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. A. It shall be unlawful for any employer within the State of Oklahoma to willfully pay wages to women employees at a rate less than ~~the rate at which he pays any~~ an employee 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 system; a merit system; a system which measures earnings by quantity or quality of production; or a differential based on any factor other than sex.

B. It shall be unlawful for an employer to discharge or in any other manner discriminate against an employee because the employee

1 has inquired about, discussed or disclosed the wages of the employee
2 or another employee with someone employed by the company.

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

5 Section 198.2. A. It shall be the duty of the Commissioner of
6 Labor to enforce the provisions of ~~this act~~ Section 198.1 of this
7 title. Whenever the Commissioner is informed of any violations
8 thereof, it shall be his or her duty to investigate ~~same~~ and, ~~in his~~
9 ~~discretion, said the~~ Commissioner is hereby authorized to institute
10 proceedings for the enforcement of ~~penalties herein provided before~~
11 ~~any court of competent jurisdiction~~ administrative fines. ~~Any~~
12 ~~employer who violates the provisions of this act shall be deemed~~
13 ~~guilty of a misdemeanor and shall upon conviction thereof, be~~
14 ~~punished by~~ The Commissioner is authorized to impose a fine of not
15 less than ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) nor
16 more than ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars
17 (\$200.00) for each separate violation per pay period and to recover
18 costs of the investigation and proceedings against the employer. In
19 addition, the employer shall pay any back pay found to be owed to
20 the employee.

21 B. Upon final determination of a violation of Section 198.1 of
22 this title, if an administrative fine or costs of investigation and
23 proceedings were imposed against the employer, such fine and costs
24

1 shall be payable to the Department of Labor to be deposited in the
2 Department of Labor Revolving Fund.

3 SECTION 3. This act shall become effective November 1, 2017.
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