

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1530

By: Dunnington

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5
6 AS INTRODUCED

7 An Act relating to labor; amending 40 O.S. 2011,
8 Sections 198.1 and 198.2, which relate to
9 discriminatory wages; prohibiting certain actions by
10 employer; increasing penalties; authorizing recovery
of costs; requiring civil fines be deposited in
General Revenue Fund; and providing an effective
date.

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

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

16 Section 198.1 A. It shall be unlawful for any employer within
17 the State of Oklahoma to willfully pay wages to women employees at a
18 rate less than ~~the rate at which he pays any~~ an employee of the
19 opposite sex for comparable work on jobs which have comparable
20 requirements relating to skill, effort and responsibility, except
21 where ~~such~~ the payment is made pursuant to a seniority system; a
22 merit system; a system which measures earnings by quantity or
23 quality of production; or a differential based on any factor other
24 than sex.

1 B. It shall be unlawful for an employer to discharge or in any
2 other manner discriminate against an employee because the employee
3 has inquired about, discussed or disclosed the wages of the employee
4 or another employee with someone employed by the company.

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

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

21 B. Upon final determination of a violation of this act, the
22 Commissioner may, to recover the cost of investigation and
23 proceedings, keep an amount equal to twenty-five percent (25%) of
24 the back pay owed to the employee to be deposited in the Department

1 of Labor Revolving Fund. All civil fines recovered pursuant to the
2 provisions of this section shall be deposited in the General Revenue
3 Fund of this state.

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

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6 56-1-5379 LRB 01/17/17
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