



1        2. "Employee" means any person permitted to work by an  
2 employer;

3        3. "Exempt employee" means those management level employees  
4 exempt under the provisions of Section 213 of the Fair Labor  
5 Standards Act, as amended, 29 U.S.C. Section 213, from the  
6 provisions of Sections 206 and 207 of said act;

7        4. "Financial institution" means a bank, savings bank, savings  
8 and loan association or credit union whose deposits are insured by  
9 the Federal Deposit Insurance Corporation, the National Credit Union  
10 Administration, or any successor institution;

11        5. "Payroll card" means a card or other device used by an  
12 employee to access wages from a payroll card account;

13        6. "Payroll card account" means a prepaid account that is  
14 directly or indirectly established through an employer and to which  
15 transfers of the employee's wages, salary, or other compensation are  
16 made on a recurring basis;

17        7. "Wages" means compensation owed by an employer to an  
18 employee for labor or services rendered, including salaries,  
19 commissions, holiday and vacation pay, overtime pay, severance or  
20 dismissal pay, bonuses and other similar advantages agreed upon  
21 between the employer and the employee, which are earned and due, or  
22 provided by the employer to his or her employees in an established  
23 policy, whether the amount is determined on a time, task, piece,  
24 commission or other basis of calculation;

1       ~~5.~~ 8. "Commissioner" means ~~State~~ the Commissioner of Labor; and

2       ~~6.~~ 9. "Bona fide disagreement" means an honest and sincere  
3 belief or assertion based on a dispute of a determinative fact or  
4 application of law under this title which is supported by relevant  
5 evidence.

6       SECTION 2.       AMENDATORY       40 O.S. 2021, Section 165.2, is  
7 amended to read as follows:

8       Section 165.2. Every employer in this state shall pay all wages  
9 due their employees, other than exempt employees and employees of  
10 nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1) and  
11 26 U.S.C. 170(b)(1)(A)(vi), at least twice each calendar month on  
12 regular paydays designated in advance by the employer. State,  
13 county and municipal employees, exempt employees, school district  
14 employees, technology center school district employees and employees  
15 of nonprivate foundations qualified pursuant to 26 U.S.C. 509(a)(1)  
16 and 26 U.S.C. 170(b)(1)(A)(vi) shall be paid a minimum of once each  
17 calendar month. The amount due such employees shall be paid in  
18 lawful money of the United States~~7~~ including payment by electronic  
19 means, and the employee shall not be deemed to have waived any right  
20 or rights mentioned in this section because of any contract to the  
21 contrary. Each employer in this state, in its discretion, may pay  
22 all wages due to an employee by deposit on the payday at a financial  
23 institution of the employee's choice or, if the employee does not  
24 consent or designate a financial institution, to a payroll card

1 account. With each payment of wages earned by such employee, the  
2 employer shall issue to such employee a brief itemized statement of  
3 any and all deductions therefrom. An interval of not more than  
4 eleven (11) days may elapse between the end of the pay period worked  
5 and the regular payday designated by the employer. The employer  
6 shall be allowed three (3) days after such payday in which to comply  
7 with this section.

8 No such employer shall issue, in payment of or as evidence of  
9 indebtedness due an employee any check, cashier's check, draft, time  
10 check, store order, scrip, or other acknowledgment of indebtedness  
11 unless the same is payable or redeemable upon demand without  
12 discount and for face value in lawful money of the United States.  
13 If an employer pays an employee with a check which is subsequently  
14 returned to the employee or an agent thereof by reason of the  
15 refusal of the bank upon which such check was drawn to honor the  
16 same due to insufficient funds or a stop payment notice, the  
17 employer shall reimburse the employee for any fees or costs incurred  
18 by the employee due to the refusal to honor the check within  
19 fourteen (14) days of the employer's notice of the bank's refusal to  
20 honor the check.

21 SECTION 3. This act shall become effective November 1, 2022.

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23 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS AND COMMERCE, dated  
24 04/06/2022 - DO PASS, As Coauthored.