

1 ENGROSSED SENATE  
2 BILL NO. 649

By: Floyd and Bice of the  
Senate

3 and

4 McEntire of the House  
5  
6

7 An Act relating to labor; amending 40 O.S. 2011,  
8 Section 198.2, which relates to enforcement of  
9 discriminatory wages; prohibiting discharge of  
10 employee for certain conduct regarding wages;  
11 increasing penalties; updating statutory language;  
12 providing for codification; and providing an  
effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 198.3 of Title 40, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. It shall be unlawful for an employer to discharge or in any  
18 other manner discriminate against an employee because the employee  
19 has inquired about, discussed or disclosed the wages of the employee  
20 or another employee with someone employed by the company; however,  
21 an employer may prohibit a human resource employee, supervisor or  
22 other employee whose job responsibilities require and allow access  
23 to other employees' wage information from disclosing such  
24 information except as may be required or allowed in the legitimate

1 exercise of their job responsibilities or an employer may discipline  
2 or discharge such employee for disclosing any prohibited wage  
3 information.

4 B. The provisions of this section shall apply only to employers  
5 having twenty-five or more employees.

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

8 Section 198.2. It shall be the duty of the Commissioner of  
9 Labor to enforce the provisions of ~~this act~~ Section 198.1 of this  
10 title and Section 1 of this act. Whenever the Commissioner is  
11 informed of any alleged violations ~~thereof~~, it shall be his or her  
12 duty to investigate ~~same and, in his discretion, said~~. The  
13 Commissioner is hereby authorized to institute proceedings for the  
14 enforcement of ~~penalties herein provided before any court of~~  
15 ~~competent jurisdiction. Any employer who violates the provisions of~~  
16 ~~this act shall be deemed guilty of a misdemeanor and shall upon~~  
17 ~~conviction thereof, be punished by~~ violations of the provisions of  
18 Section 198.1 of this title and Section 1 of this act. The  
19 Commissioner is authorized to impose a fine of not less than ~~Twenty~~  
20 ~~five Dollars (\$25.00)~~ One Hundred Dollars (\$100.00) nor more than  
21 ~~One Hundred Dollars (\$100.00)~~ Two Hundred Dollars (\$200.00) for each  
22 separate violation per pay period. In addition, upon a finding by  
23 the Commissioner of Labor of a violation under this act, the  
24 employer shall pay any back pay found to be owed to the employee.

