

1 **SENATE FLOOR VERSION**

2 February 21, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 649

5 By: Floyd and Bice

6 An Act relating to labor; amending 40 O.S. 2011,
7 Section 198.2, which relates to enforcement of
8 discriminatory wages; prohibiting discharge of
9 employee for certain conduct regarding wages;
10 increasing penalties; updating statutory language;
11 providing for codification; and providing an
12 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
exercise of their job responsibilities or an employer may discipline

1 or discharge such employee for disclosing any prohibited wage
2 information.

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

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

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

1 SECTION 3. This act shall become effective November 1, 2019.

2 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS, COMMERCE AND TOURISM
3 February 21, 2019 - DO PASS AS AMENDED
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24