

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 641

By: Garvin

AS INTRODUCED

An Act relating to labor; amending 40 O.S. 2021, Section 198.1, which relates to the payment of discriminatory wages; allowing the Commissioner of Labor to seek collection of certain wages and benefits through administrative proceedings; amending 40 O.S. 2021, Section 198.2, which relates to penalties; allowing for administrative proceedings to assess penalties; removing criminal conviction; increasing fines; making language gender neutral; and providing an effective date.

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

SECTION 1. AMENDATORY 40 O.S. 2021, Section 198.1, is amended to read as follows:

Section 198.1. 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~~ the employer pays any 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

1 seniority system~~, a~~ merit system~~, a~~ system which measures earnings
2 by quantity or quality of production~~, or~~ a differential based on
3 any factor other than sex. In any instance in which the
4 Commissioner has received a complaint violating this section, the
5 Commissioner of Labor may seek collection of unpaid or underpaid
6 wages or benefits through administrative proceedings in the same
7 manner as provided in Section 165.7 of this title.

8 SECTION 2. AMENDATORY 40 O.S. 2021, Section 198.2, is
9 amended to read as follows:

10 Section 198.2. It shall be the duty of the Commissioner of
11 Labor to enforce the provisions of this act. Whenever the
12 Commissioner is informed of any violations thereof, it shall be ~~his~~
13 the Commissioner's duty to investigate same and, in ~~his~~ the
14 Commissioner's discretion, ~~said~~ the Commissioner is hereby
15 authorized to institute proceedings for the enforcement of penalties
16 herein provided before any court of competent jurisdiction or
17 administrative proceeding. Any employer who violates the provisions
18 of this act shall be ~~deemed guilty of a misdemeanor and shall upon~~
19 ~~conviction thereof, be punished by~~ assessed a fine of not less than
20 ~~Twenty five Dollars (\$25.00)~~ Two Hundred Fifty Dollars (\$250.00) nor
21 more than ~~One Hundred Dollars (\$100.00)~~ One Thousand Dollars
22 (\$1,000.00) per employee violation. This fine shall be in addition
23 to any other legal protections provided in Section 165.1 et seq. of
24 this title.

1 SECTION 3. This act shall become effective November 1, 2023.

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