Your Rights Under the Oklahoma Minimum Wage Act

40 O.S. § 197.1 et seq.

WHO IS AN EMPLOYEE?

40 O.S. § 197.4 (e) – "Employee" includes any individual employed by an employer but shall not include:

(1) An individual employed on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment;

(2) Any individual employed in domestic service in or about a private home;

(3) Any individual employed by the United States government;

(4) Any individual working as a volunteer in a charitable, religious or other nonprofit organization;

(5) Any newspaper vendor or carrier;

(6) Any employee of any carrier subject to regulation by Part 1 of the Interstate Commerce Act;

(7) Any employee of any employer who is subject to the provisions of any Federal Fair Labor Standards Act or to any Federal Wage and Hour Law now in effect or enacted hereafter; and who is paying the minimum wage under the provisions of this act;

(8) Any employee employed in a bona fide executive, administrative or professional capacity, or in the capacity of outside salesman;

(9) Any person employed as part-time employee not on permanent status. A part-time employee is defined as an employee who is employed less than twenty-five (25) hours a week;

(10) Any person who is less than eighteen (18) years of age and is not a high school graduate or a graduate of a vocational training program, and any person who is less than twenty-two (22) years of age and who is a student regularly enrolled in a high school, college, university or vocational training program;

(11) Any individual employed in a feedstore operated primarily for the benefit and use of farmers and ranchers; or

(12) Any individual working as a reserve force deputy sheriff.

WHO IS AN EMPLOYER?

40 O.S. § 197.4 (d) – "Employer" means any individual, partnership, association, corporation, business trust, or any person or group of persons, hiring more than ten full-time employees or equivalent at any one location or place of business; provided, however, if an employer has less than ten full-time employees or equivalent at any one location or place of business but does a gross business of more than One Hundred Thousand Dollars ($100,000.00) annually, said employer shall not be exempt under the provisions of this act. This act shall not apply to employers subject to the Fair Labor Standards Act of 1938, as amended, and who are paying the minimum wage under the provisions of said act, nor to employers whose employees are exempt.

Oklahoma Department of Labor

Melissa McLawhorn Houston

Commissioner of Labor

State Minimum Wage
$7.25 per hour
Effective July 24, 2009

HOW DO UNIFORMS AFFECT MINIMUM WAGE?

40 O.S. § 197.17 – Business establishments that furnish uniforms to their employees may take credit against the minimum wage in an amount equal to the reasonable cost of furnishing the uniforms.

WHAT IS THE CIVIL PENALTY FOR VIOLATIONS?

40 O.S. § 197.8 – The Commissioner, after investigation, shall promptly make his finding in writing as to whether or not additional wages are due the employee. If the Commissioner finds that additional wages are due, ten percent (10%) of such amount due shall be added as penalty for such wage deficiency. The Commissioner shall mail said findings to the employer and to the employee by certified mail. Payment by the employer and acceptance by the employee of the amount so determined by the Commissioner shall absolve the employer of any further liability to the employee with respect to wages claimed by the employee for the period he was employed by the employer.

40 O.S. § 197.9 - Any employer who is found by a court of competent juris- diction to have paid an employee wages less than those to which such employee is entitled, under or by virtue of this act, shall be liable to such employee for double the full amount of such wages, less any amount actually paid to such employee by the employer, and for court costs, and such reasonable attorney fees as may be allowed by the court, which in no case shall be less than One Hundred Dollars ($100.00). Any agreement between such employee and the employer to work for less than such wage rate shall be no defense to such action.

WHAT IS THE CRIMINAL PENALTY FOR VIOLATIONS?

40 O.S. § 197.13 - Any employer, or the officer or agent of any corporation, who pays or agrees to pay to any employee less than the rate of compensation required by this act, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment.

NOTICE:

State law requires employers to display this poster in such a manner so as to be accessible to all employees in each establishment under the control of the employer. It shall be unlawful to employ workers in any industry or occupation within the State of Oklahoma under conditions of labor detrimental to their health or morals and it shall be unlawful to employ workers in any industry within the State of Oklahoma at wages which are not adequate for their maintenance. Except as otherwise provided in the Oklahoma Minimum Wage Act, no employer within the State of Oklahoma shall pay any employee a wage of less than the current federal minimum wage for all hours worked.

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Your Rights Under the Oklahoma Minimum Wage Act

Employee Health, Morals & Wages

It's against the law for employers to have workers in jobs that hurt their health. It's against the law for employers to have workers in jobs that hurt their morals. It's against the law for employers to pay workers less than adequate wages.

Federal Minimum Wage

Unless the law says it's okay, employers can't pay less than the federal minimum wage.

Employer Defined

The law defines an "employer" as having ten or more full-time workers in one place or more than $100,000 of business a year.

Employee Defined

The law says an "employee" is a worker for an "employer." But, an "employee" is not:

(1) a worker on a farm; a worker on a ranch; a worker with animals on a farm or ranch; or a mechanic on a farm or ranch;
(2) a maid;
(3) a federal government worker;
(4) someone who volunteers for a charity, church, or nonprofit club;
(5) a newspaper vendor or carrier;
(6) a railroad worker;
(7) any worker who is already being paid the federal minimum wage or more;
(8) executives; someone in an administrative job; professionals; or an "outside" salesman;
(9) any person employed as part-time employee not on permanent status. A part-time employee is defined as an employee who is employed less than twenty-five (25) hours a week;
(10) anyone younger than 18 who hasn't graduated from school, and anyone younger than 22 who is in school;
(11) anyone who works in a feedstore; or
(12) a reserve deputy sheriff.

Uniforms

The law says the cost of uniforms given to workers can be added to wages in figuring the minimum wage.

Investigation of Wage Claims

The law says the Commissioner of Labor, **Melissa McLawhorn Houston**, can investigate whether wages are due workers. She will write down her findings. If any employee's employment has terminated and the Commissioner finds that wages are due, a penalty of 2% per day up to the total amount of the wage claim may be added to the wages due. She will mail her findings to the employer and the worker by certified mail. If the employer pays the wages (and the penalty) and the worker accepts the payment, that's the end of the wage claim.

Employer Liability

If a court finds an employer hasn't paid all wages due, the law says the employer is liable for double the amount of the wages minus any sums already paid to the worker. The employer is also liable for court costs and reasonable attorney fees of at least $100. The employer can't defend a wage claim by arguing that there was an agreement with the worker to work for less than the lawful wage. The law says an employer who pays or even agrees to pay less than the lawful wage is guilty of a misdemeanor. The punishment could be a fine of not more than $500. The punishment could be as much as six (6) months in the county jail. The punishment could be both a fine and jail time.

IT'S THE LAW!

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Oklahoma Department of Labor Employment Standards Division

Sus Derechos a la Ley del Sueldo Minimo de Oklahoma

La Salud Moral del Empleado y Sueldos

Es ilegal que empleadores tengan a sus empleados en trabajos que hagan da o a su salud. Es ilegal que empleadores tengan a sus empleados en trabajos que le hagan da o a su moral. Es ilegal que los empleadores pagen sueldos menores de los sueldos mínimos a sus empleados.

Sueldo Federal Mínimo

A menos que la ley diga que esta bien los empleadores no pueden pagar menos del sueldo mínimo federal.

Empleador Definido

La ley defina "a un empleador" como alguien que tiene diez o más trabajadores de tiempo completo en un lugar o tiene ingresos mas de $100,000 dólares por a o.

Empleado Definido

La ley dice que "un empleado" es un trabajador para "un empleador". Pero, "un empleado" no puede ser:
(1) un trabajador en una granja; un trabajador en un rancho; un trabajador con animales en una granja o rancho; o un mecánico trabajando en una granja o rancho;
(2) una criada;
(3) un trabajador del gobierno federal;
(4) alguien que se ofrece voluntariament para una caridad, iglesia, o club no lucrativo;
(5) un vendedor de periódico o cargador;
(6) un trabajador de ferrocarril;
(7) cualquier trabajador a quien pagan ya el salario mínimo federal de $7.25 dólares por hora o más;
(8) ejecutivos; alguien en un trabajo administrativo; profesionales; o un vendedor "de exterior";
(9) alguien que trabaja menos de 25 horas por semana en una posición temporal;
(10) alguien más joven que 18 a os quién no se ha graduado de la escuela, y alguien más joven de 22 a os quién esta llendo a la escuela;
(11) alguien que trabaja en una tienda de comida para animales, grangas etc.
(12) un diputado de la reserva de sheriff.

Otros Empleados Protegidos

La ley dice que los empleadores deben pagar a todos los trabajadores quienes tienen mas de 18 a os cuando menos $2.00 dólares por hora. La ley dice que todos los empleados son cubiertos por el Acto de Sueldo Mínimo de Oklahoma.

Propinas, Cuartos y Ospedage

La ley dice que las propinas, cuartos y ospedage pueden ser a adidos a sueldos en la figuración del sueldo mínimo. Sin embargo, las propinas, cuartos y ospedages no pueden ser ser más del 50% de los sueldos.

Uniformes

La ley dice que el costo de uniformes entregados a los trabajadores pueden ser a adidos a los sueldos en la figuración del sueldo mínimo.

Investigación de Reivindicaciones Salariales

La ley dice que el Comisario de Trabajo, Melissa McLawhorn Houston, puede investigar si sueldos se deben a los trabajadores. El anotará sus conclusiones. Si ella encuentra que los sueldos son debidos, una pena de 10% será a adida a los sueldos debidos. El enviará sus conclusiones al empleador y al trabajador por correo certificado. Si el empleador paga los sueldos (y el penalti) y el trabajador acepta el pago, esto terminara la queja de sueldos.

Responsabilidad de Patrón

Si un tribunal encuentra que el empleador no ha pagado todos los sueldos debidos, la ley dice que el empleador es responsable en pagar el doble la cantidad de los sueldos menos cualquier suma ya pagada al trabajador. El empleador es también responsable en pagar los costos del tribunal y costos razonables de abogado de cuando menos $100 dólares. El empleador no puede defender una queja de sueldos sosteniendo que había un acuerdo con el trabajador para trabajar por menos del sueldo legal. La ley dice que un empleador quien paga o se pone de acuerdo en pagar menos de los sueldos legales estara culpable de un delito de menor cuantía. El castigo podría ser una multa de no más de $500 dólares. El castigo podría ser un maximo de seis (6) meses en la cárcel del condado. El castigo podría ser ambos la multa y tiempo en la cárcel.

Es La Ley!

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