



Oklahoma State Labor Law Postings

Unemployment Insurance



UNEMPLOYMENT INSURANCE BENEFITS

NOTICE TO WORKERS

If you lose your job or if you work less than full time and get less than your full-time wages, you may be entitled to receive Unemployment Insurance (UI) benefits. You can obtain a free copy of "Reemployment Assistance for the Unemployed - Informational Booklet for Workers Who are Unemployed" by visiting the Oklahoma Employment Security Commission's website at www.oklahoma.gov/oesc/individuals. This document explains your rights and how to file an Unemployment Insurance (UI) claim.

The unemployment claim filing process can all be done online at www.ui.ok.gov. If you have questions or need assistance, you may contact the Oklahoma Employment Security Commission's Service Center at (405) 525-1500 or visit an Oklahoma Works office. To find your nearest office, go to <https://oklahoma.gov/oesc/locations.html>.

EMPLOYERS: It is required by Sec. 2-502 of the Oklahoma Employment Security Act that you shall post and maintain this notice in places readily accessible to individuals in your employ. Copies may be obtained from the Oklahoma Employment Security Commission online at www.oklahoma.gov/oesc/employers/employer-resources-and-forms

OES-044 (rev. 08-17-2021)

Minimum Wage Statutory Language

Your Rights Under the Oklahoma Minimum Wage Act

40 O.S. § 197.1 et seq.

WHO IS AN EMPLOYEE?	WHO IS AN EMPLOYER?	WHAT IS THE CIVIL PENALTY FOR VIOLATIONS?
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 I 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.	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.	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 jurisdiction 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 employer and the employer to work for less than such wage rate shall be no defense to such action.

Oklahoma Department of Labor

Leslie Osborn

Leslie Osborn
Commissioner of Labor

HOW DO UNIFORMS AFFECT MINIMUM WAGE?	WHAT IS THE CRIMINAL PENALTY FOR VIOLATIONS?
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.	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.

3017 N. Stiles, Suite 100, Oklahoma City, OK 73105 · Telephone 405-521-6100 · Toll-free 1-888-269-5353 · Fax 405-521-6018 · www.ok.gov/odol

Minimum Wage

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, **Leslie Osborn**, 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!

1-888-269-5353
www.ok.gov/odol

Oklahoma Department of Labor Employment Standards Division

Fair Employment



OKLAHOMA LAW PROHIBITS

DISCRIMINATION IN EMPLOYMENT BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, DISABILITY, AGE, SEX OR GENETIC INFORMATION¹

If you are an employee, or an applicant for employment, and feel that because of race, color, religion, national origin, disability, age, sex or genetic information you have been discriminated against with respect to:

Qualifications, hire, discharge, recall, layoff, promotion, transfer, compensation, conditions, terms, privileges or responsibilities of employment, or sexual harassment, and wish to file or discuss the filing of a complaint contact:

Office of the Oklahoma Attorney General
Office of Civil Rights Enforcement
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
Oklahoma City Office: (405) 521-3921
Tulsa Office: (918) 581-2342
Website: www.oag.ok.gov
Email: ocre.complaints@oag.ok.gov

Contacting the Office of Civil Rights Enforcement does not conflict with or affect any other rights you may have, including any appeal procedures you may have through the Oklahoma Merit Protection or any internal grievance procedures you may have through your employer. However, an Employment Discrimination Complaint must be filed with the Office of Civil Rights Enforcement **within 180 days** after the alleged discriminatory act(s).

¹ Title 25, Oklahoma Statutes, Section 1302

USERRA

YOUR RIGHTS UNDER OKLAHOMA'S USERRA THE OKLAHOMA UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

Oklahoma's USERRA, 44 O.S. § 4300 *et seq.*, protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service in the Oklahoma state military forces. USERRA also prohibits employers from discriminating against past and present members of the Oklahoma state military forces, and applicants to the Oklahoma state military forces.

Oklahoma state military forces include the National Guard of the State of Oklahoma, which includes an army component and an air force component; the Oklahoma State Guard; and any other military force organized under the Constitution and laws of the State of Oklahoma when not in a status placing them under exclusive federal jurisdiction. Unless otherwise established by Oklahoma law, the unorganized militia or any other state military force that does not meet this definition shall not be considered part of the "state military forces."

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the Oklahoma state military forces and:

- you ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- are a past or present member of the Oklahoma state military forces;
- have applied for membership in the Oklahoma state military forces; or
- are obligated to serve in the Oklahoma state military forces;

Then an employer, including a state agency, may not deny you:

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment

because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- If you leave your job to perform military service in the Oklahoma state military forces, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the service of the Oklahoma state military forces.
- Even if you don't elect to continue coverage during your service in the Oklahoma state military forces, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- The Oklahoma Commissioner of Labor is authorized to investigate and resolve complaints of Oklahoma USERRA violations.
- For assistance in filing a complaint, or for any other information on USERRA, contact the Oklahoma Department of Labor's Wage & Hour Division at 1-405-521-6100 or visit its website at <http://www.ok.gov/Labor>.
- If you file a complaint with the Oklahoma Department of Labor ("ODOL") against a state government employer and ODOL is unable to resolve it, you may request that your case be referred to the District Attorney with relevant jurisdiction for representation.
- You may also bypass the ODOL complaint process and bring a civil action against an employer for violations of Oklahoma's USERRA.

The rights listed here may vary depending on the circumstances. 44 O.S. § 4334 requires employers to notify employees of their rights under Oklahoma's USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.

