

# 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, **Mark Costello**, can investigate whether wages are due workers. He will write down his 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 will be added to the wages due. He will mail his 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