

**TITLE 380. DEPARTMENT OF LABOR
CHAPTER 30. PROTECTION OF LABOR**

RULEMAKING ACTION:

Notice of proposed PERMANENT rulemaking

PROPOSED RULES:

Subchapter 1. General Provisions

380:30-1-7 [AMENDED]

Subchapter 3. Wage Claim Procedures

380:30-3-4 [AMENDED]

380:30-3-5 [AMENDED]

SUMMARY:

The purpose of the proposed amendment to OAC 380:30-1-7 is to clarify the requirements for a valid payroll deduction agreement. Under the current rule, the payroll deduction agreement must be signed by the employer and the employee. Many employers are not aware that the employer's signature is required and many payroll deduction agreements have been invalidated as a result. Although the current rule does not state when the payroll deduction agreement must be signed, the Oklahoma Department of Labor has been requiring the agreement be signed before the deduction is made. The proposed amendment to this section will eliminate the requirement that the employer sign the agreement and specify that the agreement must be signed before the payroll deduction is made. The main purpose of the payroll deduction agreement is to protect the employee by ensuring that the employee is aware of the deduction before it is taken. The proposed amendment will still protect the interests of the employee while also ensuring that these otherwise valid employment agreements are upheld.

The purpose of the proposed amendments to OAC 380:30-3-4 and OAC 380:30-3-5 is to allow more time for the consideration of submitted motions and to specify the time when response motions are due. Currently, motions must be filed at least ten (10) days before the administrative hearing and no time frame is set for the submission of response motions. This causes confusion when motions are filed by a party during the wage claim process or when a claim has been appealed to an administrative hearing. The current rule also does not allow enough time for the administrative law judge to consider the issues raised in the motion before the hearing. The proposed rule requires motions to be filed thirty (30) days before the administrative hearing and response motions will be due fifteen (15) days thereafter. Motions for stay of proceedings may still be filed at any time after the filing of the wage claim and any response to such motion will now be due within twenty (20) days thereafter.

AUTHORITY:

Department of Labor; 40 O.S. §165.7, Protection of Labor

COMMENT PERIOD:

Persons wishing to make written or oral comments may do so by 5:00 p.m., March 23, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

PUBLIC HEARING:

A public hearing will be held to provide a means by which persons may offer suggested input on the content of the proposed rules: 10:00 a.m., March 23, 2009, at the Oklahoma State Capital Conference Center, Room 104, 2300 North Lincoln Blvd., Oklahoma City, OK.

REQUESTS FOR COMMENTS FROM BUSINESS ENTITIES:

Business entities affected by these proposed rules are requested to provide the agency with information, in dollar amounts if possible, about the increase in the level of direct costs, indirect costs, or other costs expected to be incurred by the business entity due to compliance with the proposed rules. Business entities may submit this information in writing by 5:00 p.m., March 23, 2009, at the Oklahoma Department of Labor, Office of the General Counsel, 4001 North Lincoln Boulevard, Oklahoma City, OK 73105.

COPIES OF PROPOSED RULES:

Copies of proposed rules are available at the Oklahoma Department of Labor, 4001 North Lincoln Boulevard, Oklahoma City, OK.

RULE IMPACT STATEMENT:

Pursuant to 75 O.S., §303(D), a rule impact statement will be prepared and will be available beginning February 17, 2009 at the same locations listed above for reviewing and obtaining copies of the proposed rules.

CONTACT PERSON:

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