

**TITLE 380. DEPARTMENT OF LABOR  
CHAPTER 30. PROTECTION OF LABOR  
SUBCHAPTER 1. GENERAL PROVISIONS**

**380:30-1-7. Work without pay and deductions**

(a) No employer shall require or permit an employee, as a condition of securing or retaining employment, to work without monetary compensation.

(b) The term "deductions," as used in 40 O.S. § 165.1 et seq., is defined as any and all sum(s) of money withheld by the employer from an employee's wages. The scope of the term includes, but is not limited to, amounts withheld for FICA, Federal and State income tax, Medicare, and garnishments.

(c) No employer shall deduct any amount from an employee's wages, unless legislation or a court order mandates such, or unless such deduction is made pursuant to the provisions of this section.

(d) It is permissible for an employer and employee to voluntarily enter into a payroll deduction agreement, including deductions for the following purposes:

(1) To allow the employee to repay a loan or advance which the employer made to the employee during the course of and within the scope of employment, or to allow for recovery of payroll overpayment as provided in this subchapter;

(2) To compensate the employer for the value of the employer's merchandise or uniforms purchased by the employee;

(3) To provide payment for medical, accident, disability, or retirement benefits, or insurance premiums, not including workers' compensation or unemployment;

(4) To provide for contributions to a deferred compensation plan or other investment plan provided by the employer as a benefit to the employee;

(5) To compensate the employer for breakage or loss of merchandise, inventory shortage, or cash shortage caused by the employee; where the employee was the sole party responsible for the cash or items damaged or lost, at the time the damage or loss occurred.

(e) Any payroll deduction agreement made pursuant to subsection (d) must be in writing, and signed by the ~~employer and employee~~ before any deduction authorized by such agreement is taken. For purposes of these rules, the words "loan" and "advance" mean a transfer of money with a provision for repayment.

(f) Pursuant to the authority granted in 40 O.S. § 1 and § 165.7, the Commissioner shall have the authority to investigate, hold hearings, subpoena witnesses, administer oaths, take testimony, and/or order production of any document or financial statement in relation to any violation of this rule. The Commissioner may issue Cease and Desist Orders to compel compliance with this rule.

**SUBCHAPTER 3. WAGE CLAIM PROCEDURES**

**380:30-3-4. Procedures prior to hearing**

(a) Upon receipt of a request for a hearing after issuance of an Order of Determination, the claim shall be transferred to the Legal Division of the Department, which shall set a date and time for the hearing and notify the parties as required by law, or as instructed by the parties. The parties may file whatever motions, pleadings, briefs, or other papers they deem appropriate, including but not limited to motions to dismiss and motions for summary judgment. Dispositive motions may be ruled upon either at hearing or prior thereto, with or without benefit of oral argument, by the Commissioner.

Unless good cause is shown, Motions motions and briefs shall be filed at least ten (10) days thirty (30) days prior to the hearing of the Claim; shall be served upon the opposing party, counsel, and the Department in a timely manner; and shall not exceed 25 pages in length, exclusive of exhibits or attachments. Any response to a motion or brief shall be filed within fifteen (15) days thereafter, unless good cause is shown. All pleadings and papers shall be styled in the following manner: "BEFORE THE DEPARTMENT OF LABOR, STATE OF OKLAHOMA, IN RE: (Respondent), Claim No., (Name of Claimant)."

(b) Subpoenas will be issued by the Commissioner upon request of either party. The party requesting the subpoena shall be responsible for service in a timely manner, in accordance with the Administrative Procedures Act, 75 O.S. § 315, and the Oklahoma Pleading Code, 12 O.S. § 2004.1. All subpoenas issued by the Department shall allow at least ten (10) days for compliance. Subpoenas duces tecum shall set the date of compliance either at or before the pre-hearing conference, if any. Otherwise, the date for compliance shall be at least ten (10) days prior to the hearing.

(c) Subject to the provisions of the Administrative Procedures Act, parties may obtain discovery in any manner provided for under the Oklahoma Discovery Code, 12 O.S. § 3225 et seq., and in accordance with the rules and provisions contained therein. Discovery shall be completed no later than ten (10) days before hearing.

(d) The Commissioner reserves the authority to dismiss a claim set for hearing at any time for lack of jurisdiction over the parties or subject matter of the claim.

(e) Unless for good cause shown, no request for continuance of any hearing shall be considered unless the same is presented in writing to the Commissioner at least three (3) days prior to the scheduled docket date. Continued cases shall be placed on the next available hearing docket, but no earlier than 30 days after the original scheduled date without written consent of both parties. No case shall be continued more than twice unless good cause is shown.

### **380:30-3-5. Motions for stay of proceedings**

The Commissioner may grant a stay of the proceeding upon motion of either party, or upon the Commissioner's own motion, if the outcome of a case currently pending in any court of record in this State would affect the rights of the parties of the result in a pending Wage Claim filed with the Department. Either party may move to stay the proceedings at any time after the filing of the affected Wage Claim. Any response to a motion for stay of proceedings shall be filed within twenty (20) days thereafter. The moving party shall have the burden of proof.