

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

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 and briefs shall be filed at least 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~~ the pre-hearing conference.

(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.

380:30-3-8. Pre-hearing conferences

(a) The Commissioner, upon motion of either party or upon the Commissioner's own motion, may order a pre-hearing conference prior to hearing. Such conference will be held at least ten (10) days in advance of the scheduled hearing date, and the parties shall be notified at least ten (10) days prior to the conference of the time, place, and date thereof.

(b) When a pre-hearing conference is ordered, parties and/or their counsel shall appear and

exchange the following:

- (1) A brief statement of the case, list of stipulations, and requested remedy;
 - (2) A list of all witnesses who have direct knowledge of the facts surrounding the issues of the Claim and who are expected to be called at the hearing;
 - (3) A list of all documents and exhibits, and the original or a copy of each document or exhibit, to be offered into evidence at the hearing;
 - (4) A list of all witnesses for whom a subpoena is required. The list shall include the name and address of each witness, and a brief statement of testimony to be offered by that witness. The Department will not issue subpoenas without this information.
- (c) The parties shall provide two copies to the Department of all documents submitted, in addition to those exchanged between them. Unless good cause is shown, no witnesses, documents or other evidence will be admitted at hearing unless the same have been submitted at the pre-hearing conference.
- (d) Failure to appear at the pre-hearing conference may result in dismissal, default judgment, or other sanction unless good cause is shown.
- (e) The parties shall complete their discovery, if any, ~~and file all motions and briefs~~ no later than the date of the pre-hearing conference. All motions and briefs shall be filed in accordance with the deadlines set forth in OAC 380:30-3-4.