

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1940

By: Dahm

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6 AS INTRODUCED

7 An Act relating to state employees; defining term;
8 permitting certain payroll deductions by public
9 employer; allowing employee to revoke permission for
10 deduction from public employer; prohibiting payroll
11 deductions not allowed by law; allowing public
12 employer to develop certain guidelines and policies
13 for deductions; prohibiting provisions from denying
14 employee from contributing in other ways; terminating
15 deductions after passage unless certified; providing
16 for penalties; authorizing persons to seek certain
17 remedy; providing for severability; providing for
18 codification; and providing an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 284.3 of Title 74, unless there
22 is created a duplication in numbering, reads as follows:

23 A. For the purposes of this act, "public employer" means any
24 state or local government, municipal, or government corporation,
25 government agency, government commission, government
26 instrumentality, government board, government department, government
27 branch, government authority, school board of a district, any other

1 political subdivision of this state, or special purpose department,
2 or organization that employs one or more persons in any capacity.

3 B. The following categories of payroll deductions by public
4 employers are permitted for all public employees:

5 1. Those deductions required by law including, but not limited
6 to, federal and state income taxes, federal social security, and
7 Medicare taxes;

8 2. Those for the benefit of charitable organizations described
9 in Section 501 (c) (3) of the Internal Revenue Code; and

10 3. Those which primarily fund savings, insurance, and other
11 similar benefits including, but not limited to, United States
12 Savings Bonds, deferred compensation, and disability, life, health,
13 and retirement benefits; provided, programs in this paragraph shall
14 include only those permissible for an employee benefit plan as
15 defined in 29 U.S.C., Section 1002(3).

16 C. A signed, written prior authorization from the employee is
17 required for any deduction pursuant to paragraphs 2 or 3 of
18 subsection B of this section and that authorization may be revoked
19 in writing at any time and shall take effect on the second payroll
20 deduction occurring after the public employer receives the written
21 revocation notice.

22 D. Payroll deduction for any other purpose or organization is
23 unlawful and prohibited. A public employer may develop guidelines
24 and policies governing deductions for paragraph 2 or 3 of subsection

1 B of this section in order to avoid unduly burdensome financial or
2 administrative costs resulting from authorized reductions.

3 E. Notwithstanding any other statute, regulation, contract, or
4 practice, nothing in this or any other law of this state shall
5 permit payroll deductions of any kind, except as provided in
6 subsection B of this section. Nothing in this section or any other
7 law of this state shall prevent a public employee from personally
8 and voluntarily contributing to an organization or entity directly
9 for which payroll deductions are prohibited in subsection D of this
10 section.

11 F. Payroll deductions currently authorized shall terminate one
12 month following the effective date of this act unless the recipient
13 of such deducted amount is certified by the public employer as
14 qualified to receive payroll deductions under subsection B of this
15 section.

16 G. Any person, corporation, association, organization, entity,
17 or public employer who violates any provisions of this act shall be
18 assessed a civil penalty not less than One Hundred Dollars (\$100.00)
19 nor more than One Thousand Dollars (\$1,000.00) for the first
20 violation and an amount no less than Five Hundred Dollars (\$500.00)
21 nor more than Five Thousand Dollars (\$5,000.00) for each subsequent
22 violation. Each act of violation shall constitute a separate
23 violation.

1 H. Any person, corporation, association, organization, entity,
2 or public employer who directly or indirectly violates any portion
3 of this section shall be guilty of a misdemeanor.

4 I. Any person aggrieved as a result of any violation or
5 threatened violation of any provision of this section may seek
6 abatement of the violation or threatened violation by petitioning a
7 court of competent jurisdiction within one (1) year from the date of
8 the alleged violation for injunctive relief and shall be entitled to
9 costs and reasonable attorney fees if he or she prevails in the
10 action.

11 J. Any person aggrieved as a result of any violation or
12 threatened violation of this section may bring an action in a court
13 of competent jurisdiction within one (1) year from the date of the
14 alleged violation to recover all damages resulting from the
15 violation or threatened violation and shall be entitled to costs and
16 reasonable attorney fees if he or she prevails in the action.

17 K. If any provisions of this section, or the application of the
18 provisions to any person or circumstance, shall be held invalid, the
19 remainder of this section, and the application of the provisions to
20 persons or circumstance other than those to which it is invalid,
21 shall not be affected.

22 SECTION 2. This act shall become effective November 1, 2024.
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