

ORIGINAL HOUSE
BILL NO. HB0132

ENROLLED ACT NO. 53, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2020 BUDGET SESSION

AN ACT relating to labor and employment; specifying authority of the department of workforce services to investigate unpaid wage claims; specifying employees who can file suit for payment of wages due; amending when interest is authorized for unpaid wage claims; implementing an anti-retaliation provision for issues related to unpaid wages; clarifying the jurisdiction for legal proceedings for the collection of unpaid wages; providing penalties; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 27-4-104(b), 27-4-502 and 27-4-504(c) are amended to read:

27-4-104. Payment of employee quitting or discharged and suit for wages; generally.

(b) Whenever an employee who has quit, ~~or~~ has been discharged from service, or because of action taken by the employer is prevented from working has cause to bring suit for wages earned and due, and shall establish in court the amount which is justly due, the court shall allow to the plaintiff interest on the past due wages at the rate of eighteen percent (18%) per annum from the date of discharge or termination or from the date when unpaid wages are required to be paid as specified in this act, together with a reasonable attorney fee and all costs of suit. Prosecution of a civil action to recover unpaid wages does not preclude prosecution under W.S. 27-4-105.

27-4-502. Claims for unpaid wages; anti-retaliation.

(a) The department is hereby empowered to take claims for unpaid wages under the provisions of W.S. 27-4-101 and

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27-4-104. The department in taking a claim for unpaid wages as provided for in this act is not to exceed ~~the sum of five hundred dollars (\$500.00)~~ the maximum amount specified in section 507(a)(4) of title 11, United States Code for claims arising out of bankruptcy or two (2) months wages, ~~whichever is the greater~~ for any claims not arising out of bankruptcy, per employee per wage claim.

(b) It shall be an unlawful employment practice for any employer to discharge, harass, discipline or in any other manner discriminate against any employee because the employee filed a claim for unpaid wages or made any other complaint or instituted or caused to be instituted any proceeding under or related to this act or testified, assisted or participated in any manner in an investigation, proceeding or hearing under this act. Any employer who violates the provisions of this subsection shall be liable for legal or equitable relief as may be appropriate to effectuate the purposes of this act including continued employment, reinstatement, promotion and the payment of wages lost and an additional equal amount as liquidated damages.

27-4-504. Investigation and determination of unpaid wage claims; hearing; orders; collection of unpaid wages.

(c) Upon a finding by the hearing officer that the unpaid wage claim is valid and either the time for judicial review has passed or the decision has been affirmed by final judicial review, the department shall order the employer to pay the amount of unpaid wages due. The department's order is not appealable or subject to judicial review. The department shall, with the assistance of the county attorney, initiate legal proceedings to collect the

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unpaid wages in the court having jurisdiction based on the total amount of unpaid wages due.

Section 2. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)