

HOUSE BILL NO. HB0132

Fair labor standards procedures.

Sponsored by: Representative(s) Robinson, Gilmore,
McMurtrey and Osborn and Senator(s) Boggs
and Massie

A BILL

for

1 AN ACT relating to the Wyoming Fair Employment Practices
2 Act; amending administrative hearing procedures and
3 available remedies as specified; conforming provisions; and
4 providing for an effective date.

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

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8 **Section 1.** W.S. 27-9-104(b) and 27-9-106(a), (k), (m)
9 and by creating a new subsection (n) are amended to read:

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11 **27-9-104. Powers and duties of department of**
12 **employment.**

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14 (b) The department shall contract with an independent
15 hearing officer to conduct any hearing under W.S. 27-9-101

1 through 27-9-106. ~~The hearing officer's decision in a case~~
2 ~~shall constitute the final agency action.~~

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4 **27-9-106. Filing of complaint; determination; appeal**
5 **for hearing.**

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7 (a) Any person claiming to be aggrieved by a
8 discriminatory or unfair employment practice may,
9 personally or through his attorney, make, sign and file
10 with the department within ninety (90) days of the alleged
11 violation a verified, written complaint in duplicate which
12 shall state the name and address of the person, employer,
13 employment agency or labor organization alleged to have
14 committed the discriminatory or unfair employment practice,
15 and which shall set forth the particulars of the claim and
16 contain other information as shall be required by the
17 department. The department shall investigate to determine
18 the validity of the charges and issue a determination
19 thereupon.

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21 (k) If ~~either~~ the employer, employment agency, labor
22 organization or employee is aggrieved by the department's
23 determination, the aggrieved party may request a fair

1 hearing. The fair hearing shall be conducted pursuant to
2 the Wyoming Administrative Procedure Act.

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4 (m) ~~Where an employer does not timely appeal or~~
5 ~~comply with the hearing officer's adverse decision,~~ The
6 department ~~may petition the appropriate district court for~~
7 ~~the enforcement of~~ shall issue an order within fourteen
8 (14) days of the decision being rendered, requiring the
9 employer, employment agency or labor organization to comply
10 with the hearing officer's decision. If the employer,
11 employment agency or labor organization does not timely
12 appeal or comply with the order within thirty (30) days,
13 the department may petition the appropriate district court
14 for enforcement of the order.

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16 (n) Where the hearing officer determines that the
17 employer, employment agency or labor organization has
18 engaged in any discriminatory or unfair employment practice
19 as defined in this chapter, the hearing officer's decision
20 may:

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22 (i) Require the employer, employment agency or
23 labor organization to cease and desist from the
24 discriminatory or unfair practice;

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(ii) Require affirmative action which may include hiring, reinstating or upgrading of employees, referring of applications for employment by a respondent employment agency or the restoration to membership by a respondent labor organization;

(iii) Require the posting of notices, the making of reports as to the manner of compliance and any other relief that the hearing officer deems necessary and appropriate to make the complainant whole; or

(iv) Require the employer, employment agency or labor organization to pay backpay or front pay.

Section 2. This act is effective July 1, 2003.

(END)