

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; and providing for an
4 effective date.

5

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

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

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11 **27-9-106. Filing of complaint; determination; appeal**
12 **for hearing.**

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14 (a) Any person claiming to be aggrieved by a
15 discriminatory or unfair employment practice may,
16 personally or through his attorney, make, sign and file

1 with the department within ninety (90) days of the alleged
2 violation a verified, written complaint in duplicate which
3 shall state the name and address of the person, employer,
4 employment agency or labor organization alleged to have
5 committed the discriminatory or unfair employment practice,
6 and which shall set forth the particulars of the claim and
7 contain other information as shall be required by the
8 department. The department shall investigate to determine
9 the validity of the charges and issue a determination
10 thereupon.

11

12 (k) If ~~either~~ the employer, employment agency, labor
13 organization or employee is aggrieved by the department's
14 determination, the aggrieved party may request a fair
15 hearing. The fair hearing shall be conducted pursuant to
16 the Wyoming Administrative Procedure Act.

17

18 (m) Where an employer, employment agency or labor
19 organization does not timely appeal or comply with the
20 hearing officer's adverse decision within thirty (30) days,
21 the department ~~may petition the appropriate district court~~
22 ~~for the enforcement of~~ shall issue an order requiring the
23 employer, employment agency or labor organization to comply
24 with the hearing officer's decision. If the employer,

1 employment agency or labor organization does not comply
2 with the order, the department may petition the appropriate
3 district court for enforcement of the order.

4
5 (n) Where the hearing officer determines that the
6 employer, employment agency or labor organization has
7 engaged in any discriminatory or unfair employment practice
8 as defined in this chapter, the hearing officer's decision
9 may:

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11 (i) Require the employer, employment agency or
12 labor organization to cease and desist from the
13 discriminatory or unfair practice;

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

20
21 (iii) Require the posting of notices, the making
22 of reports as to the manner of compliance and any other
23 relief that the hearing officer deems necessary and
24 appropriate to make the complainant whole.

