

HOUSE BILL NO. HB0004

Minimum wage.

Sponsored by: Representative(s) Byrd

A BILL

for

1 AN ACT relating to labor and employment; increasing minimum
 2 hourly wages; providing for a training wage; increasing
 3 minimum wage for tipped employees; requiring employers to
 4 pay underpaid tipped wages in a specified time; providing
 5 for treble damages, minimum recovery, court costs and
 6 attorney fees as specified; repealing an obsolete
 7 provision; and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 27-4-202(a) and (b) and 27-4-204(a)
 12 and by creating a new subsection (d) are amended to read:

13

14 **27-4-202. Minimum wage rates.**

15

1 (a) Except as otherwise provided in this section,
2 every employer shall pay to each of his or her employees
3 wages at a rate of not less than ~~five dollars and fifteen~~
4 ~~cents (\$5.15)~~ nine dollars and fifty cents (\$9.50) per
5 hour. A training wage at a rate of not less than seven
6 dollars and fifty cents (\$7.50) per hour may be paid by an
7 employer to an employee who has been employed by the
8 employer for less than six (6) months.

9
10 (b) ~~Effective April 1, 2001 and thereafter,~~ All
11 employers who employ tipped employees shall not pay less
12 than ~~two dollars and thirteen cents (\$2.13)~~ five dollars
13 and fifty cents (\$5.50) per hour to his tipped employees.
14 Provided further, if the wage paid by the employer combined
15 with the tips received by the employee during a given pay
16 period does not equal at least the applicable minimum wage
17 as prescribed in subsection (a) of this section, the
18 employer shall pay the difference to the tipped employee.
19 An employer who does not pay the difference to the tipped
20 employee as required under this subsection prior to
21 completion of the pay period following submission of daily
22 records by the employee is liable as provided in W.S.
23 27-4-204(d). For the purposes of this act, all "tip"

1 employees shall furnish monthly to their respective
2 employers the daily record of tips required to be kept by
3 "tip" employees under the laws of the United States and
4 upon the forms prescribed by the internal revenue service
5 of the United States treasury department. The daily record
6 of tips shall constitute prima facie proof of the amount of
7 tips received by the employee. Proof of a customary tipping
8 percentage of sales or service shall also be an admissible
9 form of proof of the amount of tips. A "tip" employee is
10 one who customarily and regularly receives more than thirty
11 dollars (\$30.00) a month in tips.

12

13 **27-4-204. Liability for unpaid minimum wage; suit for**
14 **collection.**

15

16 (a) Except as otherwise provided in subsection (d) of
17 this section, any employer who shall pay to any employee
18 wages at a rate less than that prescribed in the foregoing
19 section shall be liable in a civil action, to the employee
20 in the amount of his or her unpaid minimum wage, and the
21 aggrieved employee may bring a civil action for enforcement
22 of this act and the recovery of his or her unpaid wages

1 together with reasonable attorney fees and the costs of the
2 action.

3
4 (d) Any employer that does not pay the difference to
5 the minimum wage to a tipped employee as provided in W.S.
6 27-4-202(b) shall be liable in a civil action to the
7 employee for three (3) times the amount due, but in no case
8 less than one hundred dollars (\$100.00). An employee
9 substantially prevailing in an action for underpayment
10 under this subsection shall be entitled to reasonable
11 attorney fees and the costs of the action.

12

13 **Section 2.** W.S. 27-4-202(c) is repealed.

14

15 **Section 3.** This act is effective July 1, 2016.

16

17

(END)