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

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10 Section 1. W.S. 27-4-202(a) and (b) and 27-4-204(a)
11 and by creating a new subsection (d) are amended to read:
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(a) Except as otherwise provided in this section, every employer shall pay to each of his or her employees wages at a rate of not less than five dollars and fifteen cents ($5.15) nine dollars and fifty cents ($9.50) per hour. A training wage at a rate of not less than seven dollars and fifty cents ($7.50) per hour may be paid by an employer to an employee who has been employed by the employer for less than six (6) months.

(b) Effective April 1, 2001 and thereafter, All employers who employ tipped employees shall not pay less than two dollars and thirteen cents ($2.13) five dollars and fifty cents ($5.50) per hour to his tipped employees. Provided further, if the wage paid by the employer combined with the tips received by the employee during a given pay period does not equal at least the applicable minimum wage as prescribed in subsection (a) of this section, the employer shall pay the difference to the tipped employee. An employer who does not pay the difference to the tipped employee as required under this subsection prior to completion of the pay period following submission of daily records by the employee is liable as provided in W.S. 27-4-204(d). For the purposes of this act, all "tip"
employees shall furnish monthly to their respective employers the daily record of tips required to be kept by "tip" employees under the laws of the United States and upon the forms prescribed by the internal revenue service of the United States treasury department. The daily record of tips shall constitute prima facie proof of the amount of tips received by the employee. Proof of a customary tipping percentage of sales or service shall also be an admissible form of proof of the amount of tips. A "tip" employee is one who customarily and regularly receives more than thirty dollars ($30.00) a month in tips.

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

(a) Except as otherwise provided in subsection (d) of this section, any employer who shall pay to any employee wages at a rate less than that prescribed in the foregoing section shall be liable in a civil action, to the employee in the amount of his or her unpaid minimum wage, and the aggrieved employee may bring a civil action for enforcement of this act and the recovery of his or her unpaid wages.
together with reasonable attorney fees and the costs of the action.

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

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

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

(END)