

SENATE FILE NO. SF0153

Employment nondiscrimination.

Sponsored by: Senator(s) Rothfuss, Coe, Pappas, Perkins and Von Flatern and Representative(s) Barlow, Connolly, Furphy, Madden, Pelkey and Zwonitzer

A BILL

for

1 AN ACT relating to labor and employment; prohibiting
2 discriminatory payment and employment practices based on
3 sexual orientation or gender identity; providing
4 exemptions; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 27-1-116 is created to read:

9

10 **27-1-116. Definitions.**

11

12 (a) As used in this title:

13

1 (i) "Gender identity" means an individual's
2 actual or perceived gender, appearance, mannerisms or other
3 characteristics with or without regard to the individual's
4 sex at birth;

5
6 (ii) "Religious organization" means a religious
7 corporation, association, educational institution, society,
8 trust or any entity or association which is a wholly owned
9 or controlled subsidiary or agency of any religious
10 corporation, association, society, trust or corporation
11 sole;

12
13 (iii) "Sexual orientation" means an individual's
14 actual or perceived orientation as heterosexual, homosexual
15 or bisexual.

16
17 **Section 2.** W.S. 27-4-302(a)(intro) and (iv) and
18 27-9-105(a)(i), (ii) and by creating new subsections (e)
19 and (f) are amended to read:

20
21 **27-4-302. Prohibition on paying employees less for**
22 **same work.**

23

1 (a) No employer shall discriminate, within the same
2 establishment in which the employees are employed, between
3 employees on the basis of gender, gender identity or sexual
4 orientation by paying wages to employees at a rate less
5 than the rate at which the employer pays wages to employees
6 of the opposite gender, gender identity or sexual
7 orientation for equal work on jobs the performance of which
8 requires equal skill, effort and responsibility and which
9 are performed under similar working conditions, except
10 where the payment is made pursuant to:

11

12 (iv) A differential based on any other factor
13 other than gender, gender identity or sexual orientation.

14

15 **27-9-105. Discriminatory and unfair employment**
16 **practices enumerated; limitations.**

17

18 (a) It is a discriminatory or unfair employment
19 practice:

20

21 (i) For an employer to refuse to hire, to
22 discharge, to promote or demote, or to discriminate in
23 matters of compensation or the terms, conditions or

1 privileges of employment against, a qualified disabled
2 person or any person otherwise qualified, because of age,
3 sex, sexual orientation or gender identity, race, creed,
4 color, national origin, ancestry or pregnancy;

5
6 (ii) For a person, an employment agency, a labor
7 organization, or its employees or members, to discriminate
8 in matters of employment or membership against any person,
9 otherwise qualified, because of age, sex, sexual
10 orientation or gender identity, race, creed, color,
11 national origin, ancestry or pregnancy, or a qualified
12 disabled person;

13
14 (e) The following shall be exempt under this article
15 from employment practices relating to sexual orientation
16 and gender identity:

17
18 (i) A religious organization; or

19
20 (ii) An expressive association:

21
22 (A) Whose primary purpose and function are
23 grounded in religious teachings;

1

2

(B) Which is not organized for private profit;

4

5

(C) Whose employment activities would otherwise be subject to this article; and

7

8

(D) Whose right of expressive association under the first amendment of the United States constitution would be significantly burdened by application of this article or by any other provisions of law related to discrimination in employment.

13

14

(f) Nothing in this article shall be interpreted to require an employer subject to this article to give preferential treatment to any employee or applicant because of the employee's or applicant's sexual orientation or gender identity on account of any imbalance in the total number or percentage of employees of a specific sexual orientation or gender identity employed by the employer or otherwise admitted to membership or classified by any labor organization or admitted to or employed in any apprenticeship or other training program.

23

1

2

Section 3. This act is effective July 1, 2017.

3

4

(END)