

HOUSE BILL NO. HB0132

Unpaid wage claim amendments.

Sponsored by: Select Committee on Coal/Mineral Bankruptcies

A BILL

for

1 AN ACT relating to labor and employment; specifying
2 authority of the department of workforce services to
3 investigate unpaid wage claims; specifying employees who
4 can file suit for payment of wages due; amending when
5 interest is authorized for unpaid wage claims; implementing
6 an anti-retaliation provision for issues related to unpaid
7 wages; clarifying the jurisdiction for legal proceedings
8 for the collection of unpaid wages; providing penalties;
9 and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 27-4-104(b), 27-4-502 and 27-4-504(c)
14 are amended to read:

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1 **27-4-104. Payment of employee quitting or discharged**
2 **and suit for wages; generally.**

3
4 (b) Whenever an employee ~~who has quit or has been~~
5 ~~discharged from service~~ has cause to bring suit for wages
6 earned and due, and shall establish in court the amount
7 which is justly due, the court shall allow to the plaintiff
8 interest on the past due wages at the rate of eighteen
9 percent (18%) per annum from the date of discharge or
10 termination or from the date when unpaid wages are required
11 to be paid as specified in this act, together with a
12 reasonable attorney fee and all costs of suit. Prosecution
13 of a civil action to recover unpaid wages does not preclude
14 prosecution under W.S. 27-4-105.

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16 **27-4-502. Claims for unpaid wages; anti-retaliation.**

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18 (a) The department is hereby empowered to take claims
19 for unpaid wages under the provisions of W.S. 27-4-101 and
20 27-4-104. The department in taking a claim for unpaid wages
21 as provided for in this act is not to exceed ~~the sum of~~
22 ~~five hundred dollars (\$500.00)~~ the maximum amount specified
23 in section 507(a)(4) of title 11, United States Code for

1 claims arising out of bankruptcy or two (2) months wages,
2 ~~whichever is the greater~~ for other claims, per employee per
3 wage claim.

4
5 (b) It shall be an unlawful employment practice for
6 any employer to discharge, harass, discipline or in any
7 other manner discriminate against any employee because the
8 employee filed a claim for unpaid wages or made any other
9 complaint or instituted or caused to be instituted any
10 proceeding under or related to this act or testified,
11 assisted or participated in any manner in an investigation,
12 proceeding or hearing under this act. Any employer who
13 violates the provisions of this subsection shall be liable
14 for legal or equitable relief as may be appropriate to
15 effectuate the purposes of this act including continued
16 employment, reinstatement, promotion and the payment of
17 wages lost and an additional equal amount as liquidated
18 damages.

19
20 **27-4-504. Investigation and determination of unpaid**
21 **wage claims; hearing; orders; collection of unpaid wages.**

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1 (c) Upon a finding by the hearing officer that the
2 unpaid wage claim is valid and either the time for judicial
3 review has passed or the decision has been affirmed by
4 final judicial review, the department shall order the
5 employer to pay the amount of unpaid wages due. The
6 department's order is not appealable or subject to judicial
7 review. The department shall, with the assistance of the
8 county attorney, initiate legal proceedings to collect the
9 unpaid wages in the court having jurisdiction based on the
10 total amount of unpaid wages due.

11

12 **Section 2.** This act is effective immediately upon
13 completion of all acts necessary for a bill to become law
14 as provided by Article 4, Section 8 of the Wyoming
15 Constitution.

16

17

(END)