

# CHAPTER 71

ORIGINAL SENATE  
FILE NO. 0111

ENROLLED ACT NO. 36 , SENATE

## FIFTIETH LEGISLATURE OF THE STATE OF WYOMING 1990 BUDGET SESSION

AN ACT to amend W.S. 27-2-104, 27-2-109(a) and by creating a new subsection (g), 27-4-104(a), 27-4-105, 27-4-501(a)(ii) and by creating a new paragraph (v) and 27-4-504; and to repeal W.S. 27-2-109(b) through (f) and 27-4-204(b) and (c) relating to labor; providing a procedure for collecting unpaid wages; repealing the process for assignment of claims for unpaid wages; granting rulemaking authority; and providing for an effective date.

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

Section 1. W.S. 27-2-104, 27-2-109(a) and by creating a new subsection (g), 27-4-104(a), 27-4-105, 27-4-501(a)(ii) and by creating a new paragraph (v) and 27-4-504 are amended to read:

27-2-104. Duties; enforcement inspections; report required.  
It shall be the duty of the commissioner of labor and statistics to enforce all laws enacted by the legislature of Wyoming, relating to labor, hours of labor, and to the health, welfare, life and limb of the workers of this state; to see that workers are protected in the collection of their wages lawfully due; to make inspections of industrial establishments and buildings as necessary; to make an inspection of all living accommodations provided for employees wherever employed, where the living accommodations are furnished as a part of the wages; to promulgate reasonable rules and regulations; and, as required by W.S. 9-2-1014, to report to the governor, with recommendations he deems appropriate.

27-2-109. Power to examine witnesses; hearings; appeal; transcript; certification of documents to district court; trial de novo.

(a) The commissioner of labor and statistics shall have the power to administer oaths, to examine witnesses under oath and to compel the attendance of witnesses and the giving of testimony in any part of this state.

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(g) Except as otherwise provided by law, all orders and decisions of the commissioner of labor and statistics shall be issued only after an opportunity for hearing pursuant to the Wyoming Administrative Procedure Act. Any party aggrieved by an order or decision of the commissioner of labor and statistics shall have the right to appeal to district court pursuant to the Wyoming Administrative Procedure Act.

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

(a) Whenever an employee quits the service or is discharged, the employee shall be paid whatever wages are due him in lawful money of the United States of America, or by check or draft which can be cashed at a bank, within five (5) working days of the date of termination of employment. The employer may offset from any monies due the employee as wages, any sums due the employer from the employee which have been incurred by the employee during his employment. This section does not apply to the earnings of a sales agent employed on a commission basis and having custody of accounts, money or goods of his principal where the net amount due the agent may not be determinable except after an audit or verification of sales, accounts, funds or stocks.

27-4-105. Payment of employee quitting or discharged and suit for wages; penalty. Every person, firm or corporation willfully violating any of the provisions of W.S. 27-4-104 is guilty of a misdemeanor and shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00) for each offense.

27-4-501. Definitions.

(a) Whenever used in this act:

(ii) "Employee" means any person who, under the usual



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common law rules applicable in determining the employer-employee relationship, has the status of an employee;

(v) "This act" means W.S. 27-4-501 through 27-4-508.

27-4-504. Assignment of claim to commissioner for collection; settlement or adjustment of claim assignment. Upon receipt of a claim for unpaid wages, the commissioner shall process, investigate and determine the validity of the claim. If the employer disputes or refuses to pay the claim, the commissioner shall hold a hearing pursuant to the Wyoming Administrative Procedure Act. As provided by W.S. 16-3-112, an impartial hearing officer shall be appointed to preside at the hearing. Upon a finding by the hearing examiner that the claim is valid and enforceable the commissioner shall order the employer to pay the amount of unpaid wages. The commissioner shall prosecute promptly, with the assistance of the county attorney, whatever legal proceedings are necessary to insure collection of the unpaid wages. With the written consent of the employee the commissioner may settle or adjust any wage claim. Unless the order is on appeal to a district court, an employer's failure to comply with a commissioner's order is punishable by a civil fine not to exceed two hundred dollars (\$200.00) for each day the employer fails to comply with the order.

Section 2. W.S. 27-2-109(b) through (f) and 27-4-204(b) and (c) are repealed.

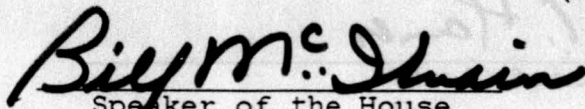
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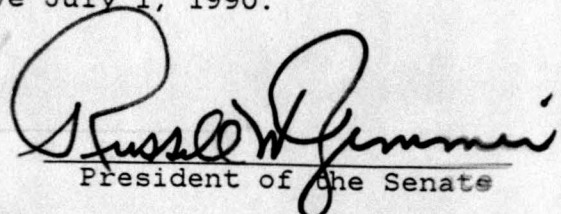
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Section 3. This act is effective July 1, 1990.

(END)

  
Speaker of the House

  
President of the Senate

  
Governor

TIME APPROVED: 10:25 a.m.

DATE APPROVED: 3/24/90

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I hereby certify that this act originated in the Senate.

*L. I. Hann*

Chief Clerk

