

HOUSE BILL 318

AN ACT to amend W.S. 27-4-301 through 27-4-303 relating to equal pay for equal work; prohibiting pay differentials based on sex; providing exceptions; removing existing inequities; prohibiting pay reductions to achieve compliance, and providing for an effective date.

Introduced by: May K. Schwabe Valtky

[illegible]

CONTINUED ON BACK

House of Intro			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

Second House			
_____	To Com No.	_____	
_____	Stand Report Do	Amd _____	Not _____
_____	Com Whole Do	Amd _____	Not _____
_____	2nd Reading Amd	_____	
_____	3rd Reading Amd	Pass _____	Fail _____

1979

STATE OF WYOMING

79LSO-588.01

HOUSE BILL NO. 318

Prohibiting pay differential based on sex.

Sponsored by: Representatives SCHWOPE and URBIGKIT

A BILL

for

1 AN ACT to amend W.S. 27-4-301 through 27-4-303 relating to
 2 equal pay for equal work; prohibiting pay differentials
 3 based on sex; providing exceptions; removing existing
 4 inequities; prohibiting pay reductions to achieve compli-
 5 ance, and providing for an effective date.

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

7 Section 1. W.S. 27-4-301 through 27-4-303 are
 8 amended to read:

9 27-4-301. Definitions.

10 (a) AS USED IN THIS ACT:

1 ~~{e}~~(i) "Commissioner" means the ~~state-labor~~
2 commissioner OF LABOR AND STATISTICS; ⁂

3 ~~{e}~~(ii) "Employ" includes to suffer or permit
4 to work; ⁂

5 ~~{a}~~(iii) "Employee" means any ~~female~~ indi-
6 vidual employed by an employer; ⁂

7 ~~{b}~~(iv) "Employer" includes THE STATE OF
8 WYOMING, ANY POLITICAL SUBDIVISION, BOARD, COMMISSION,
9 DEPARTMENT, INSTITUTION OR SCHOOL DISTRICT, ANY INDI-
10 VIDUAL, PARTNERSHIP, ASSOCIATION, CORPORATION, BUSINESS
11 TRUST OR any person OR GROUP OF PERSONS acting directly
12 or indirectly in the interest of an employer in relation
13 to an employee; ⁂

14 ~~{d}~~(v) "Occupation" includes any industry,
15 trade, business or branch thereof, or any employment or
16 class of employment; ⁂

17 ~~{f}~~ (vi) "Person" includes one (1) or more
18 individuals, partnerships, corporations, associations,
19 legal representatives, trustees, trustees in bankruptcy or
20 receivers; ⁂

21 (vii) "THIS ACT" MEANS W.S. 27-4-301 THROUGH
22 27-4-304.

1 27-4-302. Employer prohibited from paying any
2 employee less than any other employee for same work;
3 exceptions.

4 (a) No employer shall pay to any ~~female~~ EMPLOYEE in
5 any occupation in this state, a salary or hourly wage rate
6 less than that paid to ~~male-employees~~ ANY EMPLOYEE OF THE
7 OPPOSITE SEX employed by the same employer for the same
8 work, IF THE WORK REQUIRES EQUAL SKILL, EFFORT, AND
9 RESPONSIBILITY AND IS PERFORMED UNDER SIMILAR CONDITIONS,
10 EXCEPT IF PAYMENT IS MADE PURSUANT TO:

11 (i) A SENIORITY SYSTEM;

12 (ii) A MERIT SYSTEM;

13 (iii) A SYSTEM WHICH MEASURES EARNINGS BY
14 QUANTITY OR QUALITY OF PRODUCTION; OR

15 (iv) ANY DIFFERENTIAL BASED ON ANY FACTOR
16 OTHER THAN SEX AND NOT PROHIBITED BY ANY OTHER LAW OF THIS
17 STATE OR FEDERAL LAW.

18 (b) ANY EMPLOYER WHO IS PAYING A WAGE RATE DIFFER-
19 ENTIAL IN VIOLATION OF THIS SECTION, IN ORDER TO COMPLY
20 WITH THIS SECTION, SHALL NOT REDUCE THE WAGE RATE OF ANY
21 EMPLOYEE.

1 27-4-303. Liability of employer generally; liqui-
2 dated damages; individual and group actions; agreements to
3 work for less no defense; authority of commissioner to
4 bring action, etc., for employee. An employer who violates
5 ~~the--provisions--of--section--1--of--this--act--shall--be~~ W.S.
6 27-4-302 IS liable to the employee or employees affected
7 in the amount of their unpaid wages, and in an additional
8 equal amount as liquidated damages. Action to recover ~~sueh~~
9 THAT liability may be maintained in any court of competent
10 jurisdiction by any one (1) or more employees for and in
11 behalf of ~~herself--or~~ themselves and other employees simi-
12 larly situated, and no agreement by any ~~sueh~~ employee to
13 work for less than the wage to which ~~sueh~~ THAT employee is
14 entitled under this act ~~shall--be~~ IS a defense to any such
15 action. At the request of any employee paid less than the
16 wage to which ~~she--may--be~~ THAT EMPLOYEE IS entitled under
17 this act, the commissioner may take an assignment of ~~sueh~~
18 THE wage claim in trust for the assigning employee and may
19 bring any legal action necessary to collect ~~sueh~~ THE
20 claim, including the liquidated damages provided by this
21 section. The commissioner ~~shall~~ IS not be required to pay
22 the filing fee, or other costs, in connection with such
23 action. The commissioner ~~shall--have--power~~ IS EMPOWERED to
24 join various claimants against the employer in one (1)

1 action.

2 Section 2. This act is effective May 25, 1979.

3 (END)

FISCAL NOTEAnticipated REVENUE to:

Fiscal Year 19

Fiscal Year 19

TOTAL ESTIMATED REVENUE

Anticipated COST to:

Fiscal Year 19

Fiscal Year 19

TOTAL ESTIMATED COST

1. No apparent fiscal impact.
2. No apparent personnel impact.