

**SENATE FILE 120, 1973**

AN ACT to create section 27-210.26; and to amend sections 27-210.18(c), 27-210.19, 27-210.20 and 27-210.22 of the statutes relating to the collection of unpaid wages by the commissioner of labor and statistics; defining "wages"; limiting the amount of wages for which the commissioner may take an assignment; authorizing class actions for the collection of unpaid wages; authorizing the collection of reasonable attorney fees by the department of labor and statistics to pay costs of collecting unpaid wages; defining certain criminal acts; and providing penalties.

and by: Tom Searl

[illegible]

**Continued on Back**

SENATE FILE NO. 120

Collection of unpaid wages.

Introduced by: Senator SEARL



## A BILL

for

1 AN ACT to create section 27-210.26; and to amend sections  
2 27-210.18(c), 27-210.19, 27-210.20 and 27-210.22 of the  
3 statutes relating to the collection of unpaid wages by the  
4 commissioner of labor and statistics; defining "wages";  
5 limiting the amount of wages for which the commissioner  
6 may take an assignment; authorizing class actions for the  
7 collection of unpaid wages; authorizing the collection of  
8 reasonable attorney fees by the department of labor and  
9 statistics to pay costs of collecting unpaid wages; defin-  
10 ing certain criminal acts; and providing penalties.

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WYOMING:

12 Section 1. Section 27-210.26 of the statutes is  
13 created to read:

14 27-210.26. False claim by employee; willfull viola-  
15 tion or discrimination by employer; penalties.

16 Any employee who shall falsify the amount due himself

1 or who willfully attempts to defraud his employer shall be  
2 subject upon conviction to a fine not less than \$25, nor  
3 more than \$100, for each separate offense. Any employer  
4 who willfully violates any provision of this act or who  
5 discharges, terminates or in any other manner discrimi-  
6 nates against any employee because the employee has made  
7 any complaint to his employer, the commissioner, or any  
8 other person, or instituted or caused to be instituted any  
9 proceeding under or related to this act, or has testified  
10 or is about to testify in any proceedings, shall, upon  
11 conviction thereof, be punished by a fine of not less than  
12 \$25 nor more than \$200, or by imprisonment for not less  
13 than ten days nor more than 180 days, or by both such fine  
14 and imprisonment. Each day such a violation continues  
15 shall constitute a separate offense.

16 Section 2. Sections 27-210.18(c), 27-210.19,  
17 27-210.20 and 27-210.22 of the statutes are amended to  
18 read:

19 27-210.18. Definitions. Whenever used in this act;  
20 (c) "Wages" means compensation, including fringe  
21 benefits, for labor or services rendered by an employee,  
22 whether the amount is determined on a time, task, piece,  
23 commission or other basis. FOR THE PURPOSE OF DETERMINING  
24 WAGES UNDER THIS ACT, TIPS AND GRATUITIES SHALL BE THE  
25 SOLE PROPERTY OF THE EMPLOYEE AND NOT PAYABLE TO THE

1 EMPLOYER AND NOT TO BE CONSIDERED WAGES.

2 27-210.19. Assignment of unpaid wages to Commis-  
3 sioner of Labor. The commissioner is hereby empowered to  
4 take assignment of unpaid wages due and owing an employee  
5 under the provisions of section 27-192, ~~Wyoming--Statutes~~  
6 ~~1957--Compiled--1967~~ and section 27-195, ~~Wyoming--Statutes~~  
7 ~~1957--Compiled--1967~~ OF THE STATUTES. ~~The-commissioner--in~~  
8 ~~taking--assignment--of-unpaid-wages-as-provided-for-in-the~~  
9 ~~act-is-not-to-exceed--the--sum--of--five--hundred--dollars~~  
10 ~~(\$500.00)--or--two--(2)--months--wages,--whichever--is--the~~  
11 ~~greater, per-employee-per--wage--assignment.~~ THE COMMIS-  
12 SIONER IN TAKING ASSIGNMENT OF UNPAID WAGES AS PROVIDED  
13 FOR IN THIS ACT IS NOT TO EXCEED THE SUM OF \$750, OR TWO  
14 MONTHS' WAGES, WHICHEVER IS THE GREATER, PER EMPLOYEE PER  
15 WAGE ASSIGNMENT.

16 27-210.20. Jurisdiction of proceedings to assert  
17 claims. Any proceedings by one or more employees to assert  
18 any claims arising pursuant to the terms of ~~this-act~~ SEC-  
19 TIONS 27-210.18 THROUGH 27-210.25 OF THE STATUTES may be  
20 brought in any court of competent jurisdiction, EITHER AS  
21 INDIVIDUALS, CLASS OR REPRESENTATIVE SUITS.

22 27-210.22. Attorney general to assist in collection  
23 of wage claim; court costs and fees; liability for  
24 employer's costs of investigation and defense of claim.  
25 The commissioner in pursuing the collection of any wage

1 claim upon which he has taken assignment shall be assisted  
2 by the office of the attorney general or his repre-  
3 sentative. In all suits commenced under ~~this act~~ SECTIONS  
4 27-210.18 THROUGH 27-210.25 OF THE STATUTES no court costs  
5 or any fees for necessary writs, process and proceedings  
6 shall be payable in advance. In the event there is a  
7 judgment rendered against the defendant the court shall  
8 assess as part of the judgment rendered against the  
9 defendant, costs of ~~such~~ THE proceedings, AND REASONABLE  
10 ATTORNEY FEES. ~~In the event judgment is rendered for the~~  
11 ~~defendant--employer,--the--office--of--the--commissioner--of~~  
12 ~~labor--and--statistics--shall--be--liable--to--said--defendant~~  
13 ~~employer--for--his--costs--of--investigation--and--defense--of--the~~  
14 ~~claim.~~ SUCH REASONABLE ATTORNEY FEES AS ASSESSED SHALL BE  
15 RETAINED BY THE DEPARTMENT OF LABOR AND STATISTICS IN ITS  
16 WAGE COLLECTION ACCOUNT TO BE USED FOR THE ADMINISTRATION  
17 OF THIS ACT.

18 (END)