

HOUSE BILL NO. HB0181

Wage rates-penalties.

Sponsored by: Representative(s) Connolly, Davison, Greene, McKim and Throne and Senator(s) Hastert

A BILL

for

1 AN ACT relating to minimum wages; providing for
2 confidential investigations by the department of
3 employment; providing penalties for failure to pay tipped
4 employees as specified; and providing for an effective
5 date.

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

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9 **Section 1.** W.S. 27-4-202(b) by creating a new
10 subsection (d) is amended to read:

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12 **27-4-202. Minimum wage rates.**

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14 (b) Effective April 1, 2001 and thereafter, all
15 employers who employ tipped employees shall not pay less
16 than two dollars and thirteen cents (\$2.13) per hour to his

1 tipped employees. Provided further, if the wage paid by
2 the employer combined with the tips received by the
3 employee during a given pay period does not equal at least
4 the applicable minimum wage as prescribed in subsection (a)
5 of this section, the employer shall pay the difference to
6 the tipped employee. An employer who fails to pay the
7 difference to the tipped employee within ten (10) days of
8 submission of daily records by the employee is liable for
9 three (3) times the amount due, but in no case less than
10 one hundred dollars (\$100.00), plus court costs and
11 reasonable attorney's fees. For the purposes of this act,
12 all "tip" employees shall furnish monthly to their
13 respective employers the daily record of tips required to
14 be kept by "tip" employees under the laws of the United
15 States and upon the forms prescribed by the internal
16 revenue service of the United States treasury department.
17 The daily record of tips shall constitute prima facie proof
18 of the amount of tips received by the employee. Proof of a
19 customary tipping percentage of sales or service shall also
20 be an admissible form of proof of the amount of tips. A
21 "tip" employee is one who customarily and regularly
22 receives more than thirty dollars (\$30.00) a month in tips.
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1 (d) A "tip" employee may seek department of
2 employment review of employer compliance with subsection
3 (b) of this section by providing a copy of the daily record
4 of tips required under subsection (b) of this section and a
5 copy of paychecks or pay stubs showing hours worked for the
6 time period. The department shall conduct a confidential
7 investigation of the complaint within sixty (60) days and
8 issue a report of the investigation to the employee. The
9 report of the investigation may be used in any court
10 proceeding brought under subsection (b) of this section.

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12 **Section 2.** This act is effective July 1, 2011.

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(END)