

● EQUAL PAY LAW

STATUTORY CITATION: Wyo. Stat. §§ 27-4-301 – 27-4-304

GENERAL SUMMARY: Chapter 4, Article 3 of the state labor laws forbids an employer to discriminate between employees within the same establishment on the basis of gender, by paying wages to workers at a rate less than the rate the employer pays to workers of the opposite gender for equal work, on jobs whose performance requires equal skill, effort and responsibility and which are performed under similar working conditions. Wage differences are not regarded as discriminatory when made pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or some other differential based on a factor other than gender.

PROVISIONS APPLICABLE TO AGRICULTURE: The equal pay law applies to agricultural employers, and protects agricultural workers, to the same extent as their counterparts in other industries.

SPECIAL NOTES OR ADVISORIES

RETALIATION — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions. Retaliation is regarded as a misdemeanor and exposes the violator to the same criminal penalties noted below.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY — *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. Upon submission of a claim by a worker alleging payment of less than the wage to which he or she is entitled under these provisions, the Department must investigate and determine the validity of the charges. If the claim is substantiated, the Department may bring legal action on the worker's behalf to collect the unpaid earnings, plus an additional equal amount as liquidated damages. Willful violation of the equal pay law is also a criminal offense, carrying a possible fine of up to \$200, a prison term of up to 180 days, or both fine and imprisonment.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY — *None*.

PRIVATE CIVIL ACTION — In lieu of enforcement by the Department, a worker may recover unpaid wages and damages and seek other relief from a violation of the equal pay provisions, by filing a civil suit against the employer directly, utilizing legal counsel of the worker's own choosing.