

SENATE FILE NO. SF0101

Wage offset for employee theft.

Sponsored by: Senator(s) Kinskey, Anselmi-Dalton and Biteman  
and Representative(s) Kirkbride and Laursen

A BILL

for

1 AN ACT relating to wages; authorizing an employer to offset  
2 employee wages related to theft or damage caused by the  
3 employee as specified; and providing for an effective date.

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

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7 **Section 1.** W.S. 27-4-104(a) is amended to read:

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9 **27-4-104. Payment of employee quitting or discharged**  
10 **and suit for wages; generally.**

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12 (a) Except as otherwise provided in this subsection,  
13 whenever an employee quits service or is discharged, the  
14 employee shall be paid whatever wages are due him in lawful  
15 money of the United States of America, or by check or draft

1 which can be cashed at a bank, no later than the employer's  
2 usual practice on regularly scheduled payroll dates or at a  
3 time specified under the terms of a collective bargaining  
4 agreement between the employer and the employee. The employer  
5 may offset from any monies due the employee as wages, any  
6 sums due the employer from the employee which have been  
7 incurred by the employee during his employment including sums  
8 due to the employer resulting from theft or damage caused by  
9 the employee as acknowledged by the employee or as determined  
10 by a judicial proceeding. The employer may temporarily  
11 withhold wages for not more than three (3) months from the  
12 date the wages are due under this section if the employer  
13 intends to file a judicial proceeding against the employee  
14 for theft or damage. Wages may be withheld pending the outcome  
15 of a judicial proceeding commenced as provided in this  
16 subsection. This section does not apply to the earnings of a  
17 sales agent employed on a commission basis and having custody  
18 of accounts, money or goods of his principal where the net  
19 amount due the agent may not be determinable except after an  
20 audit or verification of sales, accounts, funds or stocks.  
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1           **Section 2.** This act is effective July 1, 2019.

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(END)