



WYOMING

QUICK AND EASY GUIDE TO LABOR & EMPLOYMENT LAW

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Disclaimer: These materials do not constitute legal advice and should not be substituted for the advice of legal counsel.

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At-Will Employment

Wyoming is an at-will employment state, which means that an employer may terminate an employee at any moment for any reason as long as the reason is not discriminatory, retaliatory or otherwise illegal. [Worley v. Wyoming Bottling Co., 1 P.3d 615, 620 \(Wyo. 2000\)](#). However, an employer's handbook may change the employer's rights to terminate an employee. [Leithead v. American Colloid Company, 721 P.2d 1059, 1062 \(Wyo.1986\)](#); [Alexander v. Phillips Oil Company, 707 P.2d 1385 \(Wyo.1985\)](#).

Wyoming has exceptions to the at-will doctrine. For example, Wyoming finds that an employer violated the at-will doctrine if the employee's termination violated public policy. [McGarvey v. Key Prop. Mgmt. LLC, 211 P.3d 503 \(Wyo. 2009\)](#). Further, Wyoming law states that an employer violates the at-will doctrine when they retaliate against employees who file workers' compensation claims. [Griess v. Consolidated Freightways Corp., 776 P.2d 752, 754 \(Wyo.1989\)](#).

Right-to-Work Laws

Wyoming is a right-to-work state. [Wyo. Stat. § 27-7-109](#). This means that employees may not be required to join or remain a member of any union or other labor organization as a condition of employment or continued employment.

Immigration Verification

Wyoming places no additional employment verification procedures on employers beyond Federal I-9 compliance. There is no requirement to use E-Verify under Wyoming state laws.

Drug Testing

Wyoming has no state law addressing an employer's right to drug test in the workplace. Therefore, Wyoming employers may institute any drug and alcohol testing program as long as it is not discriminatory or otherwise unlawful.

Jury Duty Leave

It is unlawful for an employer to persuade or attempt to persuade any juror to avoid jury service; to intimidate or to threaten any juror in that respect; or to remove or otherwise subject an employee to adverse employment action as a result of jury service if the employee provides reasonable notice of his or her absence. Additionally, it is unlawful for an employer to require or request an employee to use annual, vacation or sick leave for time spent responding to a summons for jury duty. [Wyo. Stat. § 1-11-401](#). No Wyoming state law requires the employer to pay wages while an employee is on jury duty.

Voting Leave

Wyoming law requires employers to provide an employee with one hour of paid leave to vote in a primary, general or special election to fill a seat for the U.S. Congress, if the employee does not have three or more consecutive off-duty hours in which to vote while polls are open. An employer may dictate when an employee takes paid voting leave. [Wyo. Stat. § 22-2-111](#).

Parental Leave

Wyoming currently has no state laws pertaining to any kind of parental leave. Thus, each employer must make the decision to provide employees with such time that is not required by the [FMLA](#).

Other Leave

In Wyoming, employers are not required to provide employees with vacation benefits, either paid or unpaid. [WY Atty Gen. Opinion No. 63-53](#). If an employer chooses to provide such benefits, it must comply with the terms of its established policy or employment contract. [WY Stat. § 27-4-507](#); [WY Atty Gen. Opinion No. 63-53](#). Wyoming law does not require employers to provide employees with sick leave benefits, either paid or unpaid.

Smoking Laws

Employers are prohibited from discriminating against applicants or employees for their use of tobacco products outside the course of employment, unless it is a bona fide occupational qualification (BFOQ). [Wyo. Stat. § 27-9-105](#). Wyoming is one of the only states in the country that does not prohibit smoking in workplaces or other public places generally.

Break Time to Express Milk

The State of Wyoming encourages breastfeeding and recognizes the importance of breastfeeding to maternal and child health. [Wyo. HJR 5](#) (2003). The resolution also commends employers, both in the public and private sectors, who provide accommodations for breastfeeding mothers. Note that there is no Wyoming law that *requires* employers to accommodate breastfeeding or expressing milk at work. Additionally, [Wyo. Stat. § 6-4-201](#) exempts breastfeeding mothers from public indecency laws and gives breastfeeding women the right to nurse anyplace that they otherwise have a right to be.

Meal Breaks

The State of Wyoming has no law regulating meal breaks or rest periods. The state only requires paying an employee for time they work during a break.

Minimum Wage, Overtime and Wage Recordkeeping

The State of Wyoming set minimum wage at not less than \$5.15 per hour. [Wyo Stat. § 27-4-202](#). Employers must still comply with federal wage laws and regulations. An employer can pay tipped employees \$2.13 per hour as long as the employee's tips bring the total hourly wage up to the state minimum wage.

For a full-time student attending any accredited institution of education and who is employed to work an amount not to exceed 20 hours during weeks that school is in session and 40 hours when school is not in session, the minimum wage shall be equal to but not less than 85 percent of the minimum wage provided in [Wyo. Stat. § 27-4-202](#).

Generally, if an employee works more than 40 hours, he or she must be compensated at a rate of one and one-half times the regular rate of pay at which he or she is employed. This does not apply to agricultural employees.

Every employer shall make and keep for a period of not less than two years in or about the premises wherein any employee is employed a record of the name, address and occupation of each of his or her employees, the rate of pay, the amount paid each pay period to each employee and such other information as required by the Director of the Department of Labor. [Wyo. Stat. § 27-4-203](#).

Final Payments

The State of Wyoming requires an employer to issue a final paycheck to an employee who resigns or is discharged no later than the employer's usual practice on regularly scheduled payroll dates. [Wyo. Stat. § 27-4-104](#).

Unemployment Insurance

Unemployment insurance benefits provide income to individuals who have lost work through no fault of their own. The benefits are intended to partially offset the loss of wages while an unemployed worker searches for suitable work or until an employer can recall the employee to work. Nothing is deducted from the employee's wages to pay for this coverage. Unemployment benefits are administered by the Wyoming Department of Workforce Services, and additional information regarding the benefits may be accessed at wyomingworkforce.org/workers/ui/.

Workers' Compensation

The Wyoming Workers' Compensation Act, [Wyo. Stat. § 27-14-101, et seq.](#), applies to every employer in Wyoming with three or more employees, or to those in the construction industry. Employees who suffer injuries and/or occupational diseases arising out of and in the course of their employment may be eligible to receive several types of benefits under the Act. Under the Act, a workplace injury must be immediately reported to the employer; failing to timely report an injury may result in a denial of benefits.

The Act is administered by the Wyoming Department of Employment, and additional information regarding the Act may be accessed at wyomingworkforce.org/businesses/workerscomp/. Finally, unlike some states, Wyoming recognizes a private cause of action for retaliation under the Act. If an employer discriminates against an employee because he or she has asserted his or her rights under the Act, the employer may have to pay a fine to the Second Injury Trust Fund.

Child Labor

Children under 16 years of age cannot work in the operation of heavy construction equipment or employment requiring contact with explosives or dangerous chemicals, or any occupation declared by the Wyoming Department of Workforce Services as hazardous. [Wyo. Stat. § 27-6-112](#). Children under 14 years of age cannot work in any occupation except farm, domestic, and lawn or yard service. [Wyo. Stat. § 27-6-107](#). Proof of age is required to be kept by any employer employing a minor under the age of 16 years. *Id.*

Gun Laws

No Wyoming state law addresses the employer's right to control an employee's possession of a firearm in the workplace or on business property. Therefore, employers may prohibit possession of firearms at work (including parking lots) even if the employee holds a concealed carry permit.