

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 in writing or as  
10 determined by a civil or criminal action. Subject to other  
11 applicable federal law, the employer may temporarily withhold  
12 wages for not more than one (1) month from the date the wages  
13 are due under this section if a civil or criminal action is  
14 brought against the employee for theft or damage. Wages may  
15 be withheld pending the outcome of a civil or criminal action  
16 brought against the employee as provided in this subsection.  
17 This section does not apply to the earnings of a sales agent  
18 employed on a commission basis and having custody of accounts,  
19 money or goods of his principal where the net amount due the  
20 agent may not be determinable except after an audit or  
21 verification of sales, accounts, funds or stocks. As used in  
22 this subsection, "theft or damage" includes, without

1 limitation, any action by the employee which damages the  
2 employer through fraud, willful misconduct or negligence.

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4 **Section 2.** This act is effective July 1, 2019.

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(END)