

SENATE FILE NO. SF0131

Workplace transparency act-2.

Sponsored by: Senator(s) Salazar and Representative(s)  
Barlow, Connolly, Duncan, Provenza,  
Rodriguez-Williams and Sweeney

A BILL

for

1 AN ACT relating to labor and employment; specifying  
2 employer actions which constitute an unfair employment  
3 practice; prohibiting an employer from barring an employee  
4 from disclosing wage information; prohibiting an employer  
5 from requiring an employee to waive wage disclosure rights;  
6 prohibiting an employer from seeking or relying on salary  
7 history information of a prospective employee as specified;  
8 prohibiting an employer from discriminating against an  
9 employee as specified; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 27-9-105(a) by creating a new  
14 paragraph (v) and (d) is amended to read:

15

1           27-9-105. Discriminatory and unfair employment  
2 practices enumerated; limitations.

3

4           (a) It is a discriminatory or unfair employment  
5 practice:

6

7                   (v) For an employer who employs fifty (50) or  
8 more full-time employees to:

9

10                           (A) Prohibit an employee from disclosing  
11 the employee's own wages, discussing the wages of others,  
12 inquiring about another employee's wages or aiding or  
13 encouraging any other employee to exercise the employee's  
14 rights under this paragraph. Nothing in this subparagraph  
15 shall be construed to create an obligation to disclose  
16 wages;

17

18                           (B) Require as a condition of employment  
19 nondisclosure of the employee's own wages or require the  
20 employee to sign a waiver or other document that denies the  
21 employee the right to disclose the employee's own wage  
22 information;

23

1                   (C) Discharge, discipline or in any manner  
2 discriminate or retaliate against an employee by altering  
3 the employee's terms, location or conditions of employment  
4 for disclosing the employee's own wages, discussing the  
5 wages of other employees, inquiring about another  
6 employee's wages or aiding or encouraging any other  
7 employee to exercise the employee's rights under this  
8 paragraph;

9  
10                   (D) Seek, orally or in writing, personally  
11 or through an agent, the salary history information of a  
12 prospective employee;

13  
14                   (E) Rely on the salary history information  
15 of a prospective employee as a factor in determining  
16 whether to offer employment to the prospective employee or  
17 what salary to offer the prospective employee;

18  
19                   (F) Nothing in this paragraph shall  
20 prohibit a prospective employee from voluntarily and  
21 without prompting disclosing salary history information to  
22 an employer, in which case this paragraph shall not  
23 prohibit the employer from considering or relying on that

1 salary history information in determining whether to offer  
2 employment to the prospective employee or what salary to  
3 offer the prospective employee.

4  
5 (d) As used in this section:

6  
7 (i) "Qualified disabled person" means a disabled  
8 person who is capable of performing a particular job, or  
9 who would be capable of performing a particular job with  
10 reasonable accommodation to his disability~~i-~~

11  
12 (ii) "Salary history information" includes  
13 compensation and benefits but shall not include information  
14 disclosable to the public pursuant to federal or state law,  
15 including the federal Freedom of Information Act, 5 U.S.C.  
16 § 552, as amended, or W.S. 16-4-201 through 16-4-205.

17  
18 **Section 2.** This act is effective July 1, 2021.

19  
20 (END)