

WYOMING



LABOR LAW POSTINGS



HEALTH AND SAFETY PROTECTION ON THE JOB

Wyoming Department of Workforce Services Notice to Employees Health and Safety Protection on the Job

The Wyoming Occupational Health and Safety Act provides job health and safety protection for workers employed by general business and industry throughout the state as well as for all employees of the state and its political sub-divisions.

The Wyoming Department of Workforce Services, OSHA Division, created by the Act, has primary responsibility for administering the Act, and the Occupational Health and Safety Commission promulgates rules and regulations for workplace health and safety standards as authorized by the Act.

By law: Safety on the job is everybody's responsibility!

Employers

Each employer shall provide a place of employment as well as employment which are free from recognized hazards that are causing or that are likely to cause death or serious physical harm. Each employer shall comply with occupational safety and health standards, rules, regulations and orders issued pursuant to the Act.

Employees

Each employee shall comply with occupational safety and health standards and all rules, regulations and orders issued pursuant to this Act, which are applicable to their own action and conduct.

Employer Reporting Requirements

Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations and losses of an eye within 24 hours.

Inspection

The Act requires that a representative or representatives of the employers and a representative or representatives authorized by the employees shall be given an opportunity to accompany a duly authorized representative of the Commission before or during the physical inspection of any workplace for the purpose of aiding such inspection.

Where there is no authorized employee representative, the authorized representative of the Commission (Compliance Officer) shall consult with a reasonable number of employees concerning matters of safety and health.

Violation

If upon inspection Wyoming OSHA Division determines that an employer has violated the Act, a citation and notification of penalty will be issued to the employer within 180 days following the occurrence of the violation. Each notice of violation will specify a time period within which the violation must be corrected.

The notice of violation must be prominently posted in a conspicuous place at or near the site of the violation until the violation is corrected, or for three working days, whichever period is longer.

Voluntary Action

Technical Assistance Consultative Services is responsible for providing free technical assistance to all employers, associations, state and local governments working within the boundaries of Wyoming. These services are available upon a written request from employers. These services include but are not limited to courtesy visits (without assessment of penalties), health and safety training and consultative services.

Complaint

Employees or their representatives have the right to file a complaint with Wyoming OSHA requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. Wyoming OSHA will withhold complainant names.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or otherwise exercising their rights under the Act. Note: Discrimination cases do not have a set number of days to issue a citation for protected activity.

An employee who believes he or she has been discriminated against through retaliatory action by your employer may file a complaint with Wyoming OSHA

Division, Cheyenne, Wyoming 82002 and/or the Regional Office of OSHA, U.S. Department of Labor, at the Address listed below this notice within 30 days of the alleged discrimination.

Penalty

The Act provides for mandatory penalties for serious and repeat serious violations and for optional penalties for each non-serious or regulatory violation(s). Penalties can also be required for each day during which an employer fails to correct a violation beyond the period set for correction in the notice of violation. In addition, any employer who willfully and knowingly violates the Act, can be assessed penalties for each willful violation. Penalty amounts can be obtained by contacting Wyoming OSHA at (307) 777-7786 or from checking rules.wyo.gov/Search.aspx?mode=1.

Additional penalties are also provided for in the Act: any willful violation resulting in death of an employee, upon conviction of an employer, is punishable by a fine of not more than \$10,000 or by imprisonment for not more than six (6) months, or by both. Conviction of an employer after a first conviction doubles these maximum penalties.

All Workers have the right to...

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

Employers must...

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Provide required training to all workers in a language and vocabulary they can understand.
- Prominently display this poster in the workplace.
- Post OSHA citations at or near the place of the alleged violations for a minimum of 3 days or until all the citations are abated.

Note: Additional information may be obtained from...
Wyoming OSHA
Cheyenne, Wyoming 82002
(307) 777-7786 | wyomingworkforce.org

THIS NOTICE SHALL BE CONSPICUOUSLY POSTED IN EACH PLACE OF EMPLOYMENT IN THE STATE OF WYOMING AS REQUIRED BY THE RULES OF PRACTICE AND PROCEDURE.

Under a plan approved by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA), the State of Wyoming is providing job safety and health protection for workers throughout the state. OSHA will monitor the operation of this plan to assure that continued approval is merited. Any person may make a complaint regarding the state administration of this plan directly to the Regional Office of OSHA, U.S. Department of Labor, Occupational Safety and Health Administration, 1999 Broadway #1690, Denver, CO 80202-5716, Phone: (303) 844-1600.

Revised April 19, 2018

GovDocs

Print Date: 5/20



WYOMING STATE MINIMUM WAGE

\$5.15

Per Hour

A training wage of \$4.25 per hour is allowed for employees under age 20 during the first 90 days of employment.



WYOMING UNEMPLOYMENT INSURANCE

Claims may be filed by unemployed workers by telephone or by the Internet.

Unemployment insurance taxes are paid by employers.

You are insured under the law

Department of Workforce Services

Unemployment Insurance

Division

PO Box 2760

Casper, WY 82602

Wyoming Claims Center

In-State (307) 473-3789;

Out-of-State (866) 729-7799

Internet Claims

dws.wyo.gov

Unemployment Insurance Information

dws.wyo.gov

Wyoming@Work

(find a job in Wyoming)

wyomingatwork.com



WYOMING WORKERS' COMPENSATION ACT

Your employer may have qualified with the Workers' Compensation Division for the coverage of injuries arising out of and in the course of employment. While at work in or about the premises occupied, used or controlled by the employer. This coverage is required for extra hazardous industries and occupations. Employers in non-extra hazardous industries may opt for this coverage level, as well.

In the event of a work-related injury

1. Notify your employer how and when you were injured within 72 hours of the incident.
2. Submit a written report of your injury to Wyoming Workers' Compensation within 10 days of the incident. You must complete and sign the "Wyoming Report of Injury" form. If your employer does not have any forms, call (307) 777-7441, or contact your nearest Workforce Center, for information on how or where to obtain an injury report form.
3. Submit the form to a local Workers' Compensation office or representative, or mail it to:

Wyoming Workers' Compensation
PO Box 20207
Cheyenne, WY 82002

The filing of an injury report is not a claim for lost wages or any other Workers' Compensation benefit. You must apply for benefits. To obtain the appropriate application form, contact Workers' Compensation. For more detailed information or assistance concerning benefits and procedures, call the Wyoming Workers' Compensation Division at (307) 777-7441 or visit dws.wyo.gov.

FEDERAL VS STATE LAWS: WHICH APPLY TO MY BUSINESS?

Wyoming employers who hire youth ages 14-17 must comply with either federal or state child labor laws. In almost all cases, Wyoming employers are subject to all federal child labor laws. The federal requirements are discussed in Section A of this brochure.

STATE LAW

Wyoming employers who are not required to comply with federal child labor laws are required to observe the State of Wyoming's child labor laws. Very few Wyoming employers fall under this category. Information regarding employers who fall under state child labor requirements can be found in Section B.

YOUTH EMPLOYED BY PARENTS

It is important to note that minors of any age may be employed by their parents at any time in any occupation on a farm owned or operated by their parents. Minors under 16 may be employed by their parents in occupations *other than* manufacturing or mining, or occupations declared hazardous by the U.S. Secretary of Labor.

Occupations that have been declared hazardous by the Secretary of Labor include:

- working in or around an establishment which manufactures, processes or stores explosives;
- working in or around an establishment which mines or processes coal, radioactive substances;
- those that involve driving a motor vehicle or work as an outside helper;
- forestry, lumber or firefighting fields;
- those that involve the operation of power driven equipment including hoisting apparatuses, meat processing equipment, sanding, drilling, baling, paper processing;
- mining work other than coal; and
- roofing, excavation, wrecking or other demolition operations.

SECTION A: FEDERAL REQUIREMENTS

PURPOSE AND AUTHORITY

To ensure that when young people work, the work does not jeopardize their health, well-being or educational opportunities pursuant to the Fair Labor Standards Act of 1938, as amended.

When employing youth ages 14-17, Wyoming employers are subject to the following child labor requirements:

PROOF OF AGE

Federal law requires employers to have on file the birth dates of all employees under 19 years of age. The acceptable forms of proof of age include:

- 1) A duly attested birth certificate;
- 2) A properly prepared Immigration and Naturalization Form I-9 showing the age of the child;
- 3) Any other document showing the age of the child as approved by the Wyoming Department of Workforce Services.

ALLOWABLE WORK HOURS

Minors ages 14 and 15 are subject to the following requirements regarding work hours:

- 1) May not work more than 3 hours on a school day, and not during school hours.
- 2) May not work more than 18 hours in a school week.
- 3) May not work more than 8 hours on a non-school day.
- 4) May not work more than 40 hours in a non-school week.
- 5) May not work before 7:00 AM or after 7:00 PM (except from June 1 to Labor Day when evening hours are extended to 9:00 PM).

Note: Restrictions on work hours are relaxed for work study programs tailored to 14 and 15 year olds enrolled in Advanced Placement (AP) courses.

PROHIBITED WORK

The following occupations are specifically prohibited for minors ages 14-15:

- 1) Operation of lawn mowers, golf carts, all-terrain vehicles, trimmers, cutters, weed-eaters, edgers.
- 2) "Catching and cooping" all kinds of poultry in preparation for transport or for market.

The following occupations are prohibited for minors ages 14-17:

- 1) Manufacturing and storing of explosives or their components.
- 2) Motor vehicle driving & outside helper on a motor vehicle.
- 3) Logging, and sawmilling operations or power-driven machines.
- 4) Operation of all power-driven machines (ex: food slicers, food grinders, food choppers, food processors, food cutters, food mixers, hoisting apparatuses, forklifts, metal forming, punching, or shearing machines, bakery machines, paper product machines, circular saws, band saws, and guillotine shears).
- 5) Occupations in slaughtering, packing, processing & rendering.
- 6) Any type of mining.
- 7) Manufacturing brick, tile and related products.
- 8) Wrecking, demolition, or ship-breaking.
- 9) Roofing occupations.
- 10) Trenching & excavation Operations.
- 11) Youth peddling, involving the selling of goods or services to customers at locations other than the employer's place of business, such as customer's home or businesses, street corners or subway stations, is specifically banned.

PERMITTED WORK

- Individuals 14 year olds and up may work in retail, food service and gasoline service establishments, as well as other environments such as state and local government, banks,

insurance companies, advertising agencies, and information technology firms.

- Individuals aged 14 and 15 years old may perform "work of an intellectual or artistically creative nature" such as computer programming, the writing of software, teaching or performing as a tutor, serving as a peer counselor or teacher's assistant, singing, playing a musical instrument and drawing.
- Individuals 15 years old and older may work as lifeguards at traditional swimming pools and certain water amusement park attractions such as wave pools, lazy rivers and baby pools and elevated water slides
- Individuals aged 14 and 15 years old may perform work requiring them "to occasionally enter freezers only momentarily to retrieve items."

AGRICULTURE

All questions concerning agricultural employment should be directed to a U.S. Department of Labor (DOL) Office at (866) 487-9243. In farm work, permissible jobs and hours of work, by age, are as follows:

- 1) Youth 16 years and older may perform any job whether hazardous or not, for unlimited hours;
- 2) Youth 14 and up may perform any nonhazardous farm job outside of school hours;
- 3) Youth 12 and 13 years of age may work outside of school hours in nonhazardous jobs, either with a parent's written consent or on the same farm as the parent(s);
- 4) Youth under 12 years of age may be employed outside of school hours, with written parental consent, in nonhazardous jobs on farms where employees are exempt from the minimum wage requirements under the Fair Labor Standards Act.
- 5) Minors of any age may be employed by their parents at any time in any occupation on a farm owned or operated by their parents.

PENALTIES

U.S. DOL has the authority to issue a fine of \$11,000 to an employer for each child labor violation. The fine for an incident that has resulted in a death or serious injury (burn, dismemberment, permanent serious impairment) is \$50,000. The fine is \$100,000 if the incident is a repeat offense or is determined to be willful. The fine for incorrectly paying a minor repeatedly or willfully is \$1,100. Additionally, U.S. DOL can add on a criminal fine of \$10,000 and imprisonment for repeat offenders. In all cases, the upper limit of the fine has been listed; the U.S. DOL has discretion to lower fines in light of mitigating measure or good faith compliance efforts.

MINIMUM WAGE AND OVERTIME PAY

Minors must be paid the full minimum wage and time and one-half for all hours worked over 40 in a workweek, when over 40 hours is allowed.

EXEMPTIONS

Minors under 14 years of age may work as newspaper deliverers, radio performers and on television, motion picture or theatrical productions. Minors 16 years of age may work at any time in any farm job.

SECTION B: STATE REQUIREMENTS

PURPOSE AND AUTHORITY

To protect the health and well-being of minors and their opportunity for education pursuant to W.S.27-6-106 through 27-6-116.

Wyoming employers employing youth ages 14-17, who operate their businesses under very distinct circumstances are exempt from federal child labor laws, but are required to abide by the State of Wyoming's child labor laws. In order to be exempt from federal child labor requirements, a business must operate under all of the following circumstances:

- does not ship or receive goods across the Wyoming border;
- has two or less employees;
- grosses less than \$500,000 in sales; and
- operates on a cash-only basis;

Employers who operate under these circumstances are subject to the following Wyoming labor requirements:

ALLOWABLE WORK HOURS

- 1) No more than 8 hours in any 12-hour period.
- 2) No work before 5:00 am or after 10:00 PM on nights followed by a school day, or after midnight on days which are not followed by a school day.
- 3) Children not enrolled in school may work for an 8-hour period between 5:00 AM and midnight.

HAZARDOUS OCCUPATIONS

The following occupations are prohibited for minors ages 14 and 15:

- 1) The operation of or working on heavy construction equipment.
- 2) Employment requiring contact with or exposure to explosives or dangerous chemicals.
- 3) As an actor or performer in any concert hall or room where alcoholic liquors and malt beverages are sold or given away.
- 4) For any illegal or immoral purposes.
- 5) For any business or in any place, situation, exhibition, or vocation injurious to morals, health, or safety of the child.

Another great resource brought to you by the Wyoming Department of Workforce Services



WE WORK FOR YOU!

Published by the Wyoming Department of Workforce Services, Labor Standards

AGRICULTURE

Farm service is exempt from the state child labor laws.

WORK PERMITS

No work permits are required.

EXEMPTIONS

Farm and domestic service are not subject to State law.

A child under 14 years of age may be employed in a non-hazardous occupation outside of school hours by his parents, grandparents or legal guardian, or by a business owned by his parents, grandparents or legal guardian.

PENALTIES

A fine of not more than \$750.00 or imprisonment in the county jail for not more than 100 days, or both.

FEDERAL CONTACT INFORMATION

U.S. DEPARTMENT OF LABOR
Eagle Gate Plaza and Tower
60 East South Temple Street, Suite 575
Salt Lake City, UT 84111-1016

TOLL-FREE HELP LINE

(866) 487-9243
TTY: (877) 899-5627
youthrules.dol.gov

STATE CONTACT INFORMATION

LABOR STANDARDS (CHEYENNE)
1510 East Pershing Blvd., West Wing, Room 150
Cheyenne, WY 82002
(307) 777-7261
(307) 777-5633 FAX

LABOR STANDARDS (CASPER)
851 Werner Court, Suite 121
Casper, WY 82601
(307) 235-3679
(307) 235-3688 FAX
wyomingworkforce.org

A GUIDE TO CHILD LABOR REQUIREMENTS OF THE FAIR LABOR STANDARDS ACT AND WYOMING LABOR LAWS





WORKERS RIGHTS

Attention Employees

YOUR RIGHTS ARE PROTECTED!

The State of Wyoming requires labor law to be displayed in a conspicuous location accessible to all employees.



ATTENTION EMPLOYEES AND APPLICANTS

This information must be posted at all times and available for your review. If you have any questions about these posting, please call the Wyoming Department of Workforce Services at (307) 777-8650 or 877-WORK-WYO.



NON-COMPETE CLAUSES

Effective July 1, 2025, Wyoming law bans most non-compete agreements made on or after the effective date. The new law voids most agreements that restrict a person's ability to earn compensation through labor. However, there are exceptions for agreements related to the sale of a business, trade secret protection, and agreements with executive-level personnel. Wyoming Statute § 1-23-108