

# EMPLOYMENT LAW SUMMARY

## Wyoming Employee Leave Laws - Overview



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Employers may provide their employees with various types of paid or unpaid leave as part of their overall compensation packages, including vacation time, personal leave and sick leave. Employers have some flexibility when it comes to establishing or negotiating employee leave policies. However, federal laws such as the Family and Medical Leave Act (FMLA) require covered employers to provide employees with leave in certain situations.

In addition to federal leave laws, Wyoming has employee leave laws regarding:

- Jury duty leave;
- Victim and witness leave;
- Voting leave; and
- Military leave.

This Employment Law Summary includes a chart that provides a high-level overview of Wyoming's employee leave laws and suggests compliance steps for employers.

### Overview of employee leave laws

TYPE OF LEAVE	REQUIREMENTS
<b>Jury Duty Leave</b>	An employer may not discharge, threaten to discharge, intimidate or coerce any employee due to his or her jury service. An employee is considered to be on a leave of absence during jury service, and must be reinstated to his or her position without loss of seniority.
<b>Victim and Witness Leave</b>	Employers must allow employees who are considered victims or witnesses to respond to subpoenas during work hours or to be absent when necessary in order to cooperate with law enforcement, prosecuting attorneys or defense attorneys.
<b>Voting Leave</b>	An employer must provide up to one hour of paid leave to an employee in order to vote in any primary, general or special election. The employer may designate the most convenient time for the employee to take voting leave (other than a meal hour). Employees who have three or more consecutive non-working hours during the time the polls are open are not eligible for voting leave.
<b>Military Leave</b>	In addition to USERRA, Wyoming law provides the following job protections to members in the uniformed services: <ul style="list-style-type: none"><li>• Leave (paid or unpaid, at employer's discretion) of up to five years for active duty, training or a qualifying physical exam;</li><li>• Right to maintain health coverage at their own cost while on military leave (must also continue to accrue sick, annual, vacation or military leave on the same basis);</li><li>• Returning members who apply for reemployment within the appropriate time frame, based on length of service, must be reinstated to original positions. Reinstated employees may not be terminated without cause for one year.</li></ul>

## COMPLIANCE STEPS

It is important for Wyoming employers to understand when their employees are entitled to take time off from work, and the legal protections associated with such leaves. Employers that violate federal or state leave law requirements may be subject to government investigations, fines, employee lawsuits and significant penalties, fees and damage awards.

To minimize these risks, employers should review applicable federal and state leave law requirements and determine whether they have any compliance gaps to correct. This compliance review may be complex, especially in areas where federal and state leave laws overlap.

As part of the compliance review, employers should confirm that:

- Employee handbooks and written policies and procedures have been updated to accurately describe employee leaves;
- Human resources personnel, as well as managers and supervisors, are educated on how to administer employee leaves and receive ongoing training;
- Employee leaves are administered on a consistent basis, and employees are educated on leave rights and requirements;
- Recordkeeping systems accurately track and document employee leaves; and
- Required notices and posters regarding leave laws are provided.

## STATE RESOURCES

**Wyoming Department of Workforce Services:** <http://www.wyomingworkforce.org/>

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