

### **"Wyoming Preference Act of 1971"**

There are three basic points every contractor needs to know about the Wyoming Preference Act.

1. Regardless of where the company is based, if it is working on a construction project for the State, County, municipality or other government entity it must employ Wyoming residents to do the skilled and unskilled labor on the job.
2. The Laborer **must** be a "resident" which is any person who is a citizen of the United States and has resided in the state of Wyoming for at least one (1) year immediately preceding the application for employment.
3. The only way a company working on such projects can employ a non-resident worker is if the business first went to the local Department of Workforce Services Center (the town the actual work is being performed), placed a job order for 10 days, couldn't find resident workers, and received certification from that center that the businesses labor needs cannot be met by the local labor pool.
4. The fines for breaching the law are onerous-up to \$750.00.

## **ARTICLE 2**

### **PREFERENCE FOR STATE LABORERS**

#### **16-6-201. Short title.**

This act may be cited as the "Wyoming Preference Act of 1971".

#### **16-6-202. Definitions.**

(a) As used in this act:

(i) "Laborer" means a person employed to perform unskilled or skilled manual labor for wages in any capacity and does not include independent contractors;

(ii) "Resident" includes any person who is a citizen of the United States and has resided in the state of Wyoming for at least one (1) year immediately preceding his application for employment;

(iii) "Wages" means a payment of money for labor or services according to a contract or any hourly, daily or piece-work basis;

(iv) "This act" means W.S. 16-6-201 through 16-6-206.

#### **16-6-203. Required resident labor on public works projects; exception.**

Every person who is charged with the duty of construction, reconstructing, improving, enlarging, altering or repairing any public works project or improvement for the state or any political subdivision, municipal corporation, or other governmental unit, shall employ only Wyoming laborers on the project or improvement. Every contract let by any person shall contain a provision requiring that Wyoming labor be used except other laborers may be used when Wyoming laborers are not available for the employment from within the state or are not qualified to perform the work involved. A person required to employ Wyoming laborers may employ other than Wyoming laborers if that person informs the nearest state employment office of his employment needs and the state employment office certifies that the person's need for laborers cannot be filled from those listed as of the date the information is filed.

#### **16-6-204. Employees not covered by provisions.**

All other employees of the contractor or subcontractor, other than laborers as defined by this act, are not covered by this act.

#### **16-6-205. Enforcement.**

This act shall not be enforced in a manner which conflicts with any federal statutes or rules and regulations.

#### **16-6-206. Failure to employ state laborers; penalty.**

(a) A person who willfully or intentionally fails to use Wyoming laborers as required in this act is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Each separate case of failure to employ Wyoming laborers on public works projects constitutes a separate offense.

(b) In the event a second offense occurs, the person shall be barred from bidding on any state contract or submitting any request for proposal on any state project for one (1) year from the date the violation is corrected.



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