2010 Legislative Session

UI Amendments, Senate File 0023, Effective July 1, 2010:

This act amends the definition of “casual labor,” repeals two wage exclusions (“Wages paid to a disabled worker during the year in which he became entitled to disability insurance benefits under the Social Security Act.” and “Any loan repayment which is repaid at interest rates below established market rates.”) and repeals the exclusion of private duty nursing from covered employment.

This act also:

- Clarifies the benefit disqualification period following a false claim;
- Authorizes voluntary reimbursement agreements for claimants and employers;
- Clarifies consolidation of accounts following a business acquisition;
- Makes potential forfeiture of the substitute payment privilege applicable to all employers;
- Deletes the requirement of proving willful failure to make reports or payments before finding a corporate officer or director or member of a limited liability company individually liable for the failure to report or pay UI taxes;
- Authorizes the option to file liens against liable corporate officers or directors or limited liability company members for delinquent UI taxes;
- Deletes the dollar threshold for bonding requirements in favor of the threshold established by the Industrial Siting Council; and
- Authorizes an exception to confidentiality provisions to allow publication of the identity of state agency employers in statistical analyses of state payroll and employment.

WC – Firefighters, Senate File 0059, Effective July 1, 2010:

This act clarifies that injuries to firefighters are covered by W/C if the injuries are incurred while performing under the direction of a duly authorized officer and while engaged in:

- Competition at employer sanctioned training events;
- Construction, maintenance or improvement of equipment or facilities utilized in fire protection activities; Fundraising, civic affairs or other similar authorized activities.

Resident Contractor Preferences, House Bill 0089, Effective March 11, 2010:

Current law requires a preference for WY resident contractors in construction of public works. This act provides for application of the resident contractor preference to alternate construction project delivery methods, such as construction manager agent, design-build and construction manager at risk. The act also requires all bids for contracting, including those of subcontractors, using alternate construction project delivery methods to be opened in public.

The complete bills can be found at https://legisweb.state.wy.us.

IRS Health Care Credit for Small Employers

The Patient Protection and Affordable Care Act, approved by Congress and signed by President Obama on March 23, 2010, includes a credit designed to encourage small employers to offer health insurance coverage for the first time or maintain coverage they already have. It is available to employers that have fewer than 25 full-time equivalent (FTE) employees paying wages averaging less than $50,000 per employee per year. The maximum credit goes to smaller employers - those with 10 or fewer FTEs - paying annual average wages of $25,000 or less. Details can be found at http://www.irs.gov/newsroom/article/0,,id=220839,00.html.
Seven Years of WIRE

The WIRE (Wyoming Internet Reporting for Employers) system has been in production for seven years, and it has some pretty amazing statistics to substantiate its worth.

Over seven years, 4,370,909 individual wage records have been reported via WIRE, reflecting $31,758,308,318 in wages. The system has assisted employers in calculating approximately $172,255,454 in Unemployment Insurance and Workers’ Compensation tax dollars, and UTD staff members have provided customer assistance by responding to 6,842 Trouble Tickets.

Development is currently underway to enhance the program to allow employers to make payment by electronic fund transfers. Overall, some pretty impressive numbers for a very effective program.

2010 Federal Credit for Hiring Unemployed Individuals

The Internal Revenue Service released a new form (Form W-11) to help employers claim the special payroll tax exemption that applies to many newly-hired workers during 2010, created by the Hiring Incentives to Restore Employment (HIRE) Act signed by President Obama on March 18. For additional information and to obtain Form W-11, go to http://www.irs.gov/pub/irs-pdf/fw11.pdf.

Important Information for 2011 UI Tax Rates

The recession has caused a large increase in UI claims, affecting more employers with benefit claim charges than in past years. Submitting reports and tax payments timely is critical to reducing the impact of benefit claim charges on 2011 UI tax rates.

For 2011 UI tax rate computation purposes, only reports and monies submitted by July 31, 2010 are used. A large portion of an employer’s annual UI tax rate is the benefit ratio (UI benefit charges divided by taxable wages reported). Reports and monies for periods ending June 30, 2009 or earlier must be submitted and paid in full by July 31, 2010 to receive maximum credit against benefit charges.

Employers are notified whenever a UI claim is filed that has a potential impact on them. These notices have a 15-day appeal period. In addition, quarterly “Listing of Benefit Charges” forms are mailed to every employer with benefits charged against their account. Promptly responding to UI claim notices and verifying the charge information is correct on the “Listing of Benefit Charges” will help ensure the proper rate is assigned in 2011.

You must notify Employer Services in writing of ANY status changes. See the enclosed “Notice of Change.”

“Quarterly Connection” Article Suggestions

The “Quarterly Connection” is designed to give employers up-to-date, timely information on employer issues in Wyoming.

Suggestions for future articles are always welcome, by sending an e-mail to wtyson@state.wy.us or mail your idea to:

Unemployment Tax Division
Quarterly Connection
PO Box 2760
Casper, WY 82602-2760

Important Information about WC Owner Coverage

A Owner coverage may not be canceled until 8 quarters have passed.
A Termination of coverage shall be effective the first day of the month following the Division’s receipt of the notice of termination.
A Corporate officer coverage is by position and the Division must be notified in writing within 30 days of the position change or vacancy.
A Coverage will remain in effect and premium will be charged until the Division receives a written request from your company.

Department of Employment - Employer Seminars

Training/Presentation topics:
- Unemployment Insurance (UI) Tax
- Workers’ Compensation (WC) Premium
- UI & WC Claims and Appeals Information
- Labor Standards
- Risk Management
- Labor Market Information
- Office of the State Mine Inspector

Locations & Dates for 2010:
- Rock Springs: 8/19
- Cheyenne: 10/21

Registration Fee: $25.00 per Attendee
Pre-registration is recommended.
Register Early!  Space is limited!

or Phone 307-777-3581 or 307-777-7672 to have a registration form sent to you.