Newly Adopted Rules Could Impact Your Unemployment Insurance Account

As you have read in past Quarterly Connection articles, as a part of the federal government’s efforts to reduce improper payments within the Unemployment Insurance (UI) program, a 2011 federal law requires timely and accurate employer responses to state agency requests for information. Additionally, UI claimants fraudulently collecting overpayments will see increased penalties under the mandate.

In order to comply with the federal law, changes to state law were necessary. During the 2013 General Session of the Wyoming Legislature, Senate File 0073 Unemployment insurance-federal compliance made changes to state statute to meet the requirements of the federal mandate. Rules regarding the 2013 were developed in April of this year. State rules and regulations can be found on the Secretary of State’s website at soswy.state.wy.us.

Five rule changes, outlined below, may have an impact on employers relating to their Wyoming Unemployment Insurance accounts. In general, if the employer (or its agent) establishes a pattern of failing to timely or adequately respond to the request for information, the employer’s UI account will be charged for the UI benefits in question.

The first of these rule changes is in Chapter 2 - General Provisions of the Unemployment Insurance Rules and Regulations. It defines an employer’s “repeated documented failure” to respond to UI division requests for information pertaining to a UI benefit claim. The rule will now read:

(bb) “Repeated documented failure,” as employed by W.S. 27-3-102(a)(xviii), in defining a pattern of failing, means:
(i) In the case of an employer who has been sent 50 or more requests for separation information in the preceding 12 months, repeated documented failure means more than ten occurrences of the employer, or its agent, failing to respond or replying inadequately, within the preceding twelve 12 months.
(ii) In the case of an employer who has been sent fewer than fifty 50 requests for separation information in the preceding twelve 12 months, repeated documented failure means more than six occurrences of the employer, or its agent, failing to respond or replying inadequately, within the preceding 12 months.

The second of UI rule changes is in Chapter 6 - Computing Time Limits and Determining When Documents Are Filed Or Payments. The rule relates to the use of a fax machine in protests, appeals, reports or other documents filed with the UI division. The rule will now read:

(c) By Fax. When a person files a protest, appeal, report or other document with the Division by fax, a rebuttable presumption shall exist that the document was filed as of the date it is stamped received by the Division. The fax must contain sufficient information to identify the party providing the information and the purpose for which it is intended. The party sending the fax assumes the risk of transmission errors or illegibility.

The third of these rule changes is in Chapter 9 - Contributions By Employers in Unemployment Insurance Rules and Regulations. The rule will now read:

Section 11. Fees. When the Division files a lien on the assets of a delinquent employer, the attendant filing fee shall be charged to the employer when the lien is filed. When the Division must subpoena employer records to obtain information to determine liability or contributions due the Division, the cost of the subpoena will be charged to the employer. When an employer’s check, draft or other form of payment is returned by the bank, a $10 surcharge shall be charged to the employer. Upon collection, these charges and/or fees shall be deposited in the Division’s administrative account.

The fourth of these rule changes is in Chapter 15 - Contribution Rates Chapter 2 General Provisions of Unemployment Insurance Rules and Regulations. The rule will now read:

Section 4. Calculation of Taxable Wages. When the Division calculates the benefit ratios for employer’s accounts involving benefit charges and taxable wages pursuant to W.S. 27-3-503(e), the division will use standard rounding principles whereby the fifth decimal point shall be rounded up if calculated to be a numerical value of five or more.

The final rule change pertains to notice given to parties involved in the appeal. The new rule can be found in Chapter 31 - Appeal Hearings in the Unemployment Insurance Rules and Regulations. The rule will now read:

Section 3. Scheduling and Notice of Hearings. Upon the scheduling of a hearing on an appeal at a time and place reasonably convenient for the parties, notices of hearing shall be mailed to the claimant and other parties interested in the decision of the deputy which is being appealed. Said notices shall specify the place and time of hearing, and shall also be mailed, to the claimant and other parties interested in the decision being appealed, at least ten (10) days before the date of hearing, unless otherwise agreed upon by the parties. Biennial (two part) hearings may be held at the discretion of the examiner.

If you have any questions in regards to these changes please feel free to contact the Wyoming Unemployment Tax Division at 307-235-3217.

New Requirements for DWS Safety Discount Program

The new requirements for the Safety Discount Program have been mailed to all employers currently participating in the program. In order to maintain the Safety Discount employers must submit the revised required information no later than June 30, 2014.

The following newly revised elements are required for the discount:
1) 3.33 percent discount: Employers must have and submit for review, a documented Health and Safety Program;
2) 6.66 percent: Employer must have an established Health and Safety Committee with documented monthly safety meetings; and
3) 10 percent: Employer achieves and maintains a loss ratio of equal to or less than 10 percent.

For more information please call: 307.777.3452.

Workers’ Compensation Officer/Owner Average Wage for 2014
$11,169/quarter; $3,723/month

Unemployment Insurance Taxable Wage Base for 2014
$24,500

Summary of DWS obligation

Law goes into effect
Law goes into effect

Legislation: HB0073 State employment-persons with disabilities

Summary of DWS obligation

SEA0038

Legislation: SF0051 Workers’ compensation coverage

SEA0042

Legislation: SEA0012

Previously, these entities were required to retain at least one employee in partners and sole proprietors to elect workers’ compensation coverage.

As a business owner, where do you start?

The Department often hears the question: can people with disabilities do the work? Walgreens, the nation’s largest drugstore chain with more than 8,000 locations, has demonstrated that the gender wage gap is influenced by the state of Wyoming’s gender wage gap has remained relatively flat over the last three years.

From 2005-2008 – the gender wage gap widens as more males tend to work in higher paying industries such as natural resources & mining and construction.

The Department of Workforce Services has demonstrated that the gender wage gap is influenced by the state of Wyoming’s gender wage gap has remained relatively flat over the last three years.

Women earned 57.5 cents for every dollar earned by males in 2006. Females were paid 60.2 cents for every dollar paid to males. This was similar to females earning 60.2 cents for every dollar paid to males. This was similar to Wyoming’s gender wage gap has remained relatively flat over the last three years.

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What Employers Should Know About the Drug Testing Discount Program

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The Risk Management team values safe working environments. One way to prevent workplace accidents is to implement a Drug and Alcohol Testing Program. The Division offers a 5 percent base rate reduction to help employers absorb the drug and alcohol testing costs. Please call 307.777.3353 for further information.

Gender Wage Gap Shows Little Change in 2013

Wyoming's gender wage gap has remained relatively flat over the last three years as recovery from the state's economic downturn has slowed. In 2013, females earned 60.2% of males' earnings across all industries on average. In other words, females were paid 60.2 cents for every dollar paid to males. This was similar to Wyoming's gender wage gap in 2012 (59.9%) and 2011 (60.7%).

The Research & Planning (R&P) section of the Wyoming Department of Workforce Services has demonstrated that the gender wage gap is influenced by the state of Wyoming's economy. During times of rapid economic growth — as was the case from 2005-2008 — the gender wage gap widens as more males tend to work in higher paying industries such as natural resources & mining and construction. During those years of economic expansion the gender wage gap widened, with females earning 57.5 cents for every $1 earned by males in 2006.

When the economy contracts, the wage gap narrows. In 2009 and 2010, Wyoming shed a substantial number of jobs, many of which were higher paying jobs worked by males in natural resources & mining and construction. When this happened, the wage gap narrowed, and females were paid 61.4 cents for every dollar paid to males in 2009 and 62.4 cents for every dollar in 2010.

The wage gap narrowed to 60.7 cents for every dollar in 2011 as Wyoming began to recover from the economic downturn. Since then, however, job growth has been stagnant and the total number of persons working in Wyoming at any time has remained relatively flat.

These data and more are available in R&P's Earnings in Wyoming by County, Industry, Age and Gender, 2000-2013, available online at doe.state.wy.us/LMI/earnings_tables/2014.

Updated Publication Shows Occupational Licensing Requirements in State

In Wyoming, 98 occupations require licenses, certificates, or other registration. The 98 occupations in Wyoming's directory are overseen by 47 boards or agencies. The Research & Planning (R&P) section of the Wyoming Department of Workforce Services provides information in "A Guide to Licensed Occupations in Wyoming, Spring 2014" about how to become licensed in each of these occupations. Also provided is information about wages and other resources where people can find out more about specific occupations, and contact information for the agencies and boards overseeing these licensing requirements. For more information, see the newly updated publication at doe.state.wy.us/LMI/dir_lic/lic-occup-2014.pdf or via R&P’s main website at doe.state.wy.us/LMI.

Hiring Individuals with Disabilities - A Good Business Decision

By Rick Rothwell, Reemployment Systems Analyst, Department of Workforce Services

Although Wyoming's April unemployment rate stands at 3.7 percent, our state has a valuable untapped labor market: individuals with disabilities. In fact, recent data show the vast majority of individuals with disabilities are unemployed.

Businesses that employ people with disabilities recognize the opportunity for what it is: a chance to turn a social issue into a good business decision. The Department of Workforce Services has seen many employers translate these opportunities into lower costs, higher revenues and increased profits.

The Department often hears the question: can people with disabilities do the work? Walgreens, the nation’s largest drugstore chain with more than 8,000 locations in the U.S. and Puerto Rico seems to think so. At a Walgreens distribution center in South Carolina, Walgreens has a staff of 700, of whom about 40 percent have significant disabilities. They outperform other ‘traditional’ distribution centers by about 20 percent. Walgreens has spent another $175 million to build another distribution center, with the same staffing template.

According to data compiled by ThinkBeyondtheLabel.com, customers with disabilities and their families, friends and associates represent a trillion dollar market segment. They will purchase products and services from companies that best meet their needs.

For all businesses, innovation is the key to their business growth. Businesses have to have something meaningfully unique that they can charge premium prices for. Either they innovate or die; living in a commodity market that is defined solely by price. Employees with disabilities bring unique experiences and perspectives, and in many documented cases, have helped businesses innovate their products and services.

Employers who hire people with disabilities tend to retain their employees and in turn see reduced costs in hiring. A franchisee in the restaurant industry is quoted as saying that the tenure of his employees with disabilities is five times that of his other employees. He added that people with disabilities had to work hard to get their jobs; so it is precious to them, and they will stay.

As a business owner, where do you start?

1) Open your mind to a new way of doing business.
2) Start discussions with the Wyoming Department of Workforce Services Division of Vocational Rehabilitation (VR). VR works with people with disabilities establish and reach vocational goals that help them become productive working citizens.
3) Take a look at what the job needs are and break down the job descriptions accurately (does the person doing that job really need to lift 50 pounds?)
4) Talk to someone in your community who has employed individuals with disabilities
5) Need more persuading? Search for success stories on working with people with disabilities, like this one: youtu.be/clXVgCvmfBY, which details the triumphant story of a man in Evanston, Wyoming. No one told Dustinn that he couldn't be successful.

Rick Rothwell’s goal at DWS is to develop and implement innovative systems to help people reemployed. He is the former Vice President-Business Development Eureka! Ranch International.

New Laws Could Impact Your Business

The Sixty-second Wyoming Legislature adjourned on March 6, 2014. Although the state’s finances typically occupy most of the Legislature’s time during the 20-day budget session, as in the past, many non-budgetary measures prevailed.

SF0051, SF0074, SF0076 and HB0073 were among the non-budget bills that ultimately passed. These four bills affect operations of the Department of Workforce Services and could have impacts on businesses in Wyoming. Below, please find brief summaries of new laws that the Department monitored during the 2014 Budget Session.

Legislation: SF0051 Workers’ compensation coverage

Law: SEA0012
Law goes into effect: July 1, 2014
Summary of DWS obligation: Allows lone corporate officers, LLCs, general partners and sole proprietors to elect workers’ compensation coverage. Previously, these entities were required to retain at least one employee in order to qualify for workers’ compensation coverage.

Legislation: SF0074 Unemployment insurance coverage – fiduciaries

Law: SEA0042
Law goes into effect: July 1, 2014
Summary of DWS obligation: Precludes fiduciaries from collecting unemployment insurance.

Legislation: SF0076 Unemployment insurance-worker misconduct

Law: SEA0038
Law goes into effect: July 1, 2014
Summary of DWS obligation: Defines misconduct connected with work for purposes of disqualification from unemployment insurance benefit entitlement.

Legislation: HB0073 State employment-persons with disabilities

Law: HEA0053
Law goes into effect: July 1, 2014
Rules Process: No
Summary of DWS obligation: Requires employment first to be the policy of Wyoming’s state agencies. The legislation ensures competitive and integrated employment shall be considered its first option when persons with disabilities who are of working age apply for employment. State agencies shall coordinate efforts and collaborate within and among agencies to ensure that state programs, policies, procedures and funding support competitive and integrated employment of individuals with disabilities. A task force will be created to develop a strategic plan to implement the employment first policy.