



## Chapter II

### CONTESTED PREVAILING WAGE DETERMINATION HEARING RULES

#### Section 1. Authority.

These rules are promulgated pursuant to W.S. 27-4-404 of the Wyoming Prevailing Wage Act of 1967.

#### Section 2. Definitions.

By reference, all definitions set forth in W.S. 27-4-402 and all amendments thereto are incorporated herein. In addition, the following definitions are set forth:

(a) “Act” means the Wyoming Prevailing Wage Act of 1967, W.S. 27-4-401 through 27-4-413, as amended.

(b) “Department” means the Department of Workforce Services.

(c) "Labor Standards" means Labor Standards, a program within the Department of Workforce Services.

(d) “Hearing Officer” means the Director of the Department of Workforce Services or his/her duly authorized representative.

(e) “Affected Person” means any person who may be affected by a wage determination.

(f) “Person” means one (1) or more individuals, partnerships, corporations, associations, limited liability companies, unions or legal representatives of the above.

#### Section 3. Commencement of Proceedings.

Hearings shall be initiated as follows:

(a) Any affected person who objects to the department's wage determination may file a written notice of the objection

(b) The written notice of objection must be filed with Labor Standards within fifteen (15) days after the publication and notification of the wage determination.

(c) The written notice of objection shall contain the following:

(i) The affected party's name, current mailing address and telephone number and, where applicable, the name, current mailing address and telephone number on whose behalf the objection is being made.

(ii) A list of the crafts or types of workmen and their hourly rate of wages being objected to;

(iii) The hourly rate of wages the affected party believes should prevail for each craft or type of workman listed in the objection;

(iv) Specific grounds for the objection; and

(v) A description of how the affected party would be affected by the wage determination.

#### Section 4. Notice of Hearing.

(a) Within ten (10) calendar days of the receipt of the written notice of objection, Labor Standards shall set a date for a hearing on the objection.

(b) The date of the hearing shall be within thirty (30) calendar days of the receipt of the objection.

(c) At least five (5) calendar days prior to the hearing date, Labor Standards shall notify the affected party(s), in writing, of the time and place of the hearing.

(d) Labor Standards shall notify the affected party(s) of the hearing by certified mail.

#### Section 5. Default Appearance.

(a) In the event an affected party fails to appear or testify at the hearing, the wage determination shall be deemed valid and final, and shall not be subject to review by the hearing officer.

#### Section 6. Attorneys.

All persons appearing before the hearing officer have the right to represent themselves or be represented by an attorney. However, no attorney will be permitted to make statements or examine or cross-examine witnesses on behalf of a party unless such attorney is licensed to practice law in the State of Wyoming, or if not licensed to practice in the State of Wyoming, such attorney shall be associated with a Wyoming attorney qualified to practice law in the State of Wyoming. These rules shall not be construed to prohibit any person from representing himself/herself in any hearing before the hearing officer.

Section 7. Reporting Testimony.

In all hearings held pursuant to the Act and these rules and regulations, all testimony shall be tape-recorded. Any party requesting a transcript of the taped hearing will be provided one at his/her expense.

Section 8. Final Determination.

Within ten (10) calendar days after the hearing is concluded, the hearing officer shall rule on the objection(s) to the prevailing wage determination(s) and enter a final determination. The hearing officer shall serve by certified mail or personal service a certified copy of the final determination on all parties in accordance with W.S. 27-4-407(d).

Section 9. Appeals.

The hearing officer's final determination may be appealed to the District Court in accordance with W.S. 27-4-407(e) and the Wyoming Administrative Procedure Act [W.S. 16-3-114 through 16-3-115].

Section 10. Record on Appeal.

Upon appeal of the final determination, Labor Standards shall prepare and transmit to the reviewing court, the entire record of the hearing in accordance with Rule 12.07 of the Wyoming Rules of Appellant Procedure.