

PUBLIC NOTICE OF PROPOSED CHANGES TO THE DEPARTMENT OF WORKFORCE SERVICES, DIVISION OF LABOR STANDARDS RULES

PUBLIC NOTICE IS HEREBY GIVEN that the Wyoming Labor Standards Division is proposing changes that will affect their rules. The proposals include repealing Chapter 2 – Contested Prevailing Wage Determination Hearing Rates and modifying Chapter 6 – Rules of Practice and Procedure for Computing and Determining Wyoming’s Prevailing Wage Rates.

Statutory authority for Labor Standards to promulgate rules regarding state prevailing wages is established by Wyoming Statute § 27-4-404 of the Wyoming Prevailing Wage Act of 1967, as amended. Labor Standards’ rules establish procedures for computing and determining Wyoming’s prevailing wage rates, set forth contested case hearing procedures, and establish investigation and enforcement procedures in accordance with the Act.

The following administrative rule changes are necessary for a few reasons. Presently, rules for prevailing wages are located in two separate chapters. To better facilitate public access, the two chapters will be combined. Other changes to these rules simply correct grammar and punctuation, as well as better establish and explain agency procedures within the administrative rules. For many years, Labor Standards has had procedures for determining compliance with prevailing wage requirements, but these were never reduced to rule. Labor Standards believes it in the best interest of the agency and the public to increase transparency by articulating Labor Standards’ expectations in administrative rules plainly. Finally, because these chapters have not been amended since 2001 and 2008, other changes have been made in order to conform these rules to the Secretary of State’s required format and to reduce the Rules in number and in length consistent with the Governor’s previous mandate. Specific changes by chapter are as follows:

Chapter 2 - Contested Prevailing Wage Determination Hearing Rules

This chapter will be repealed in its entirety. Its significant provisions regarding public requests for hearing regarding Labor Standards’ prevailing wage determinations, for example, will be incorporated into Chapter 6.

Chapter 6 - Rules of Practice and Procedure for Computing and Determining Wyoming's Prevailing Wage Rates

- The title of the chapter has been renamed to “Prevailing Wages.” □Definitions have been added, removed, or clarified.
- Procedures for objecting to or contesting the prevailing wage through administrative hearing have been added and clarified.
- Procedures by which Labor Standards investigates and enforces compliance with the Act have been added.
- No changes have been made to the process by which Labor Standards annually determines and computes state prevailing wages.

Written comments should be submitted to the following address by **August 31, 2018**.

Wyoming Workforce Compliance
ATTN: Administrator
1510 East Pershing Boulevard
Cheyenne, WY 82002
(307) 777-7672

Or via email to: dws-wyolabor@wyo.gov

A public comment period will end at close of business on **August 31, 2018**.

Copies may be obtained by submitting a written request to the Division, with pre-payment by personal check or money order for the total number of copies requested; the fee for each copy is \$4.00. The proposed rules may be downloaded, free of charge, from the Department of Workforce Services (DWS) at:

<http://www.wyomingworkforce.org/news/publicnotices/>