

PUBLIC NOTICE OF PROPOSED CHANGES TO THE RULES FOR THE WYOMING DEPARTMENT OF WORKFORCE SERVICES (DWS), LABOR STANDARDS DIVISION

PUBLIC NOTICE IS HEREBY GIVEN that the Wyoming Labor Standards Division is proposing updates on Chapter 12 – Preference for Wyoming Resident Labor. On April 5, 2021, Wyoming Governor Mark Gordon signed the House Enrolled Act (HEA) 0059, Chapter 90, Wyoming Preference Act of 1971 - Amendments as passed by the 66th Legislature. HEA 0059, Chapter 90 focuses on resident and nonresident laborers employed on public works projects.

Prior to the changes in Wyoming Statutes §§ 16-6-202, 16-6-203, and 16-6-206, all laborers employed on public works projects must be Wyoming residents. If Wyoming resident laborers are not available, a state workforce center may certify nonresident laborers for employment on a specific project.

The following are specific changes to Labor Standards Chapter 12 – Preference for Wyoming Resident Labor rules:

Section 3 – Definitions – added (d) “Emergency” definition and then reformatted the remainder of the section;

Section 4 – Business Consultant Unit – added (i) “assist in the confirmation of an emergency project by coordinating with the Workforce Center in contacting the project owner as necessary”;

Section 5 – Employer Responsibilities – added (d) “an employer shall provide a list of all subcontractors on a Public Work project to the Business Consultant Unit upon request from the Department”;

Section 6 – Resident Labor – (a)(i) and (a)(iv) – deleted one year and added ninety (90) days; (a)(ii) – added “resident hunting or fishing license” deleted one year and added ninety (90) days; (a)(iii) – added “military form DD214, which indicates Wyoming as the applicant’s domicile and home or record for at least ninety (90) days; added (d): “an employer who anticipates employing an individual on a public work project who does not meet residency requirements as outlined in W.S. § 16-6-201(a)(ii), but whom the employer believes should be considered a resident for the purposes of the Wyoming Preference Act, may submit a request in writing to approve the person as a resident to the Business Consultant Unit prior to the individual starting employment on a public work project” and added (d)(i) – “the Business Consultant Unit shall issue a written document within ten (10) days of receiving the written request from the employer. The determination will approve or deny residency status for the individual;

Section 8 – Investigation and Notice of Determination – deleted (c); and,

Section 9 – Final Agency Decision – reformatted (a)-(c).

A public comment period will end at close of business on **June 17, 2021**

Written comments should be submitted to the following address by **June 17, 2021**.

Wyoming Department of Workforce Services
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Or via email to: marcia.price@wyo.gov

Copies of the proposed rules 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/>