

PUBLIC NOTICE OF PROPOSED CHANGES TO THE RULES, REGULATIONS AND FEE SCHEDULE OF THE WYOMING WORKERS' COMPENSATION DIVISION

PUBLIC NOTICE IS HEREBY GIVEN that the Wyoming Workers' Compensation Division is proposing changes that will affect the Division's rules, regulations and fee schedule. These proposals include modifications to the *Wyoming Workers' Compensation Rules, Regulations and Fee Schedules*. The Workers' Compensation Division last updated Chapter 2 – Employer Coverage, Compliance and Discount Programs, Section 7 – Deductible Programs on June 16, 2021.

The Division proposes to add a new section, Section 12 – Student Learner Agreements based on new legislation by the 66th Wyoming Legislature. They passed Wyoming Statute § 27-14-110 to add the student learner agreements as HEA0078, Chapter 160. This was signed into law by Governor Mark Gordon on April 15, 2021.

The new statute added to W.S. § 27-14-102(a)(vii), (xxxiii), (xxxiv) and (xxxv) in defining “Employee”, “Student learner” and “Student learner agreement”. These sections will be effective July 1, 2021. Section (d) of this statute gives the director of the department of workforce services authority to promulgate rules and regulations to support the implementation of this act.

The legislature also added to W.S. § 21-3-111, Powers of boards of trustees and W.S. § 21-18-303, District Board generally; powers; board approved additional mill levy stating local school boards and community college boards can enter into student learner agreements. These sections became effective immediately on April 15, 2021.

The following is the actual proposed rule in Chapter 2, Section 12:

Section 12. Student Learner Agreements

(a) Pursuant to W.S. § 27-14-110, a Wyoming school district, community college or technical school and an employer may enter into a student learner agreement. Student learner agreements are for students ages sixteen (16) to eighteen (18) years of age, who will be engaged in learning an extra-hazardous occupation. A copy of the agreement shall be submitted by the employer to the division prior to the first day of employment/learning. Employers must apply for the student learner agreement on a form prescribed by the division.

(i) The division requires that employers who employ a student learner follow the requirements laid out by the Child Labor Provision for Nonagricultural Occupations under the Fair Labor Standards Act.

(A) Eligible Hazardous Occupations for youth student learners aged 16-17 are limited to those occupations outlined by the U.S. Department of Labor, Wage & Hour Division's website: <https://www.dol.gov/agencies/whd/fact-sheets/43-child-labor-non-agriculture>

(ii) W.S. § 27-14-108 lists all extra-hazardous industries and occupations by the North American Industry Classification System (NAICS) recognized by the division. Agricultural occupations are excluded.

(iii) Agreements may be submitted to the division at any time, but must be submitted prior to the student engaging in any extra-hazardous labor. Employers must notify the division of any changes to the agreement.

(b) Eligibility. Program eligibility requires the employer to be registered and in good standing with the division, the Wyoming Unemployment Insurance division, and the Wyoming Secretary of State at the time of the agreement submission and throughout the agreement time period.

(i) Eligibility for student learner agreements are limited to employers who are registered in an extra-hazardous classification per NAICS and W.S. § 27-14-108.

(c) Premium Rates. Employers registered in the student learner agreement program will pay the premium charged for each approved student learner as required by W.S. § 27-14-110(f). Premium rates will be determined by the student learner's actual or presumed wage.

(i) Actual wages used will include total gross wages earned while working.

(ii) If no actual wages are earned, and only school credit is earned for the work, the employer should report the student learner with volunteer presumed wages utilizing the assigned NAICS code.

Other changes included minor formatting and renumbering of sections 12-15 to 13-16

Written comments should be submitted to the following address by **August 30, 2021**.

Wyoming Workers' Compensation Division
ATTN: Marcia Price
5221 Yellowstone Road
Cheyenne, WY 82002
(307) 777-6746

Or via email to: marcia.price@wyo.gov

A public comment period will end at close of business on **August 30, 2021**.

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/>