

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Unemployment compensation amendments.

Sponsored by: Joint Labor, Health and Social Services  
Interim Committee

A BILL

for

1 AN ACT relating to unemployment compensation; amending  
2 child support withholding as specified; clarifying  
3 redetermination authority and notices as specified;  
4 conforming provisions concerning duties transferred to the  
5 department of workforce services; amending information  
6 sharing authority and procedures; eliminating the one-week  
7 waiting period for benefits; and providing for an effective  
8 date.

9

10 *Be It Enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 27-3-305(b)(ii), 27-3-402(a), (c) and  
13 (d), 27-3-605(a), and 27-14-607(c)(intro) and paragraphs  
14 (ii), (vii), (viii) and by creating new paragraphs (x) and  
15 (xi) are amended to read:

1

2           **27-3-305. Disclosure of child support obligations**  
3 **required; notification; amount withheld; payment;**  
4 **applicability of provisions.**

5

6

7           (b) The department shall withhold from benefits  
8 payable to an individual owing child support obligations  
9 enforced pursuant to a plan approved under 42 U.S.C. §  
10 651, et seq.:

11

12                   (ii) The amount determined pursuant to an  
13 agreement under 42 U.S.C. § 654(19)(B)(i) and submitted to  
14 the department by the state or local child support  
15 enforcement agency; ~~or.~~

16

17           **27-3-402. Determination; generally; referral to**  
18 **special examiner; redetermination; notice; appeal.**

19

20           (a) Determination of a claim filed pursuant to W.S.  
21 27-3-401(a) shall be made promptly by a deputy designated  
22 by the department. If a claim is denied, the determination  
23 shall state the reasons for denial. ~~A monetary~~  
24 ~~determination at the beginning of a benefit year shall~~

1 ~~specify if the claimant earned wages in amounts required by~~  
2 ~~W.S. 27-3-306(d) and if so, the first day of the benefit~~  
3 ~~year, his weekly benefit amount and the maximum total~~  
4 ~~amount of benefits payable for the benefit year.~~ Except as  
5 provided by subsection (c) of this section, a determination  
6 is final unless a party entitled to notice applies for  
7 redetermination or appeals the determination within fifteen  
8 (15) days after notice is mailed to his last known address  
9 of record.

10  
11 (c) A monetary determination at the beginning of a  
12 benefit year shall specify if the claimant earned wages in  
13 amounts required by W.S. 27-3-306(d) and, if so, the first  
14 day of the benefit year, his weekly benefit amount and the  
15 maximum total amount of benefits payable for the benefit  
16 year. The deputy may reconsider a monetary determination  
17 if he finds an error in computation or identity, or  
18 discovers wages of the claimant relevant to but not  
19 considered in the determination. ~~A deputy may reconsider a~~  
20 ~~nonmonetary or chargeability determination if a party~~  
21 ~~entitled to notice or the department files a protest in~~  
22 ~~writing within fifteen (15) days of the date the~~  
23 ~~determination was mailed, except for determinations of~~  
24 ~~which the last employer was given notice as specified under~~

1 ~~subsection (d) of this section. A monetary redetermination~~  
2 ~~is final unless a party entitled to notice files an appeal~~  
3 ~~within thirty (30) days after notice is mailed, provided~~  
4 ~~however, that in its own discretion, the department may~~  
5 ~~make a monetary redetermination within one (1) year after~~  
6 ~~the date of an original determination regardless of whether~~  
7 ~~a party has filed a timely appeal. A monetary determination~~  
8 is final unless a party entitled to notice files a timely  
9 protest provided, however, that the department in its  
10 discretion may make a monetary redetermination at any time  
11 prior to the end of the benefit year whether or not a party  
12 has filed a timely protest.

13  
14 (d) Notice of a determination ~~or a redetermination~~  
15 shall be mailed promptly to the claimant at his last known  
16 address of record. Notice of a determination involving  
17 application of W.S. 27-3-308, 27-3-311(a)(i) and (f) and  
18 27-3-313(a)(i), together with reasons, shall be given to  
19 the last employing unit of the claimant at the last known  
20 address of record of the employing unit or, if the address  
21 is unavailable, the best available address. Notices shall  
22 be mailed to all base period employers at the address of  
23 record. ~~The department may dispense with notice to any~~  
24 ~~base period employing unit of the claimant if the employing~~

1 ~~unit failed to indicate prior to determination that he is~~  
2 ~~the base period employer and the claimant may be ineligible~~  
3 ~~or disqualified under this act.~~

4  
5 **27-3-605. Responsibilities of department of**  
6 **employment; agreements with other agencies authorized.**

7  
8 (a) ~~The department of employment is the successor~~  
9 ~~agency to the Wyoming state employment service division and~~  
10 ~~the unemployment compensation division which previously~~  
11 ~~existed under the commission. The department shall perform~~  
12 ~~all functions previously performed by those divisions.~~The  
13 department of employment shall administer the unemployment  
14 compensation program in this state.

15  
16 **27-3-607. Cooperation by department with federal and**  
17 **state agencies; disclosure and submission of specified**  
18 **information; limitations.**

19  
20 (a) The department shall:

21  
22 (iii) Upon request, as defined by contract and  
23 on a reimbursable basis, of any state or political  
24 subdivision, furnish wage information obtained pursuant to

1 this act determined necessary by regulation of the United  
2 States health and human services department for determining  
3 eligibility or assistance under 42 U.S.C. § 601 et seq.;

4

5 (iv) Upon request, as defined by contract and on  
6 a reimbursable basis, disclose to officers or employees of  
7 any state or local child support enforcement agency  
8 operating pursuant to a plan described under 42 U.S.C. §  
9 654 or to the federal parent locator service, any wage or  
10 unemployment compensation claim information obtained under  
11 this act for an identified individual;

12

13 (v) Upon request, as defined by contract and on  
14 a reimbursable basis, disclose to officers and employees of  
15 the United States department of agriculture and any state  
16 food stamp agency defined under 7 U.S.C. § 2012(n)(1), any  
17 wage information obtained under this act for an identified  
18 individual, any record of application for or receipt of  
19 benefits and the amount received, his most recent home  
20 address and any refusal of an offer of employment and a  
21 description of this employment;

22

23 (vi) Upon request, as defined by contract and on  
24 a reimbursable basis, provide unemployment insurance

1 benefit and wage information to the department of housing  
2 and urban development and to other public housing agencies.  
3 Such information shall be provided as required by the  
4 McKinney Homeless Act of 1988, section 904(c) and in a  
5 manner as prescribed by the secretary of labor;

6  
7 (viii) Upon request, as defined by contract and  
8 on a reimbursable basis, disclose and furnish copies of  
9 records relating to the administration of this act to the  
10 railroad retirement board.

11  
12 ~~(viii)(ix)~~ Require any recipient of information  
13 disclosed under ~~paragraph (iii) or (vii) of~~ this subsection  
14 to comply with any safeguards necessary and specified in  
15 federal law to ensure that the information furnished ~~under~~  
16 ~~paragraph (iii) or (vii) of this subsection~~ shall be used  
17 only for the purposes authorized ~~under these paragraphs~~.

18  
19 (c) The department may, on a reimbursable basis  
20 unless otherwise provided:

21  
22 (ii) Notwithstanding W.S. 27-3-603 and subject  
23 to regulations of the commission as defined in contract,  
24 disclose necessary information obtained from any employing

1 unit or individual under this act and any determination of  
2 benefit rights to any state or federal agency administering  
3 ~~public employment~~ Wagner-Peyser Act or Workforce Investment  
4 Act training services, ~~unemployment compensation laws or~~  
5 ~~federal tax laws and to the office of the United States~~  
6 ~~bankruptcy trustee;~~

7  
8 (vii) Upon request, disclose information not  
9 otherwise restricted by law or contract to ~~officers and~~  
10 ~~employees of the industrial siting administration, the~~  
11 ~~Wyoming business council for economic development~~  
12 ~~forecasting and economic development analysis and the~~  
13 bureau of labor statistics. ; ~~Requirements for~~  
14 ~~confidentiality of information under this act and the~~  
15 ~~penalties for improper disclosure apply to the use of this~~  
16 ~~information by officers and employees of the industrial~~  
17 ~~siting administration, the Wyoming business council and the~~  
18 ~~bureau of labor statistics;~~

19  
20 (viii) Upon written request, disclose any  
21 information obtained under this act to director or agency  
22 head, or his designee or agent, in the executive branch of  
23 federal or state government to be used by the public  
24 official only for official business in connection with the



1 administration of a law or in the enforcement of a law by  
2 that public official. The requesting agency shall  
3 reimburse the department for the cost of furnishing this  
4 information unless the cost is insignificant;

5  
6 (x) As defined in contract, disclose wage  
7 information on a non-reimbursable basis to the social  
8 security administration utilizing the unemployment  
9 insurance interstate inquiry system.

10  
11 (xi) Require any recipient of information  
12 disclosed under this subsection to comply with any  
13 safeguards necessary as specified in federal regulation to  
14 ensure that the information furnished shall be used only  
15 for the purposes authorized.

16  
17 (xii) Notwithstanding W.S. 27-3-603 and subject  
18 to regulations of the commission, disclose necessary  
19 information obtained from any employing unit or individual  
20 under this act and any determination of benefit rights to  
21 any state or federal agency administering unemployment  
22 compensation laws or federal tax laws and to the office of  
23 the United States bankruptcy trustee.

24

1

2           **Section 2.**           W.S.   27-3-305(b)(i)   and   (iii),  
3   27-3-306(a)(iv) and (c), 27-3-606(c)(i) through (iv), 27-3-  
4   607(c)(i) and (iii) are repealed.

5

**\*\*\* STAFF COMMENTS \*\*\***

6

7           **Note: Repealed sections and paragraphs are shown**  
8           **for convenience only. Repealed language will not**  
9           **appear in the formal draft.**

10

11           **27-3-305. Disclosure of child support obligations**  
12           **required; notification; amount withheld; payment;**  
13           **applicability of provisions.**

14

15           (b) The department shall withhold from benefits  
16           payable to an individual owing child support obligations  
17           enforced pursuant to a plan approved under 42 U.S.C. §  
18           651, et seq.:

19

20           ~~(i) The amount specified by the individual to the~~  
21           ~~department to be withheld under this subsection;~~

22

23           ~~(iii) Any amount otherwise required to be withheld~~  
24           ~~from benefits payable under this act pursuant to legal~~  
25           ~~process defined under 42 U.S.C. § 662(e) [repealed] and~~  
26           ~~properly served upon the department.~~

27

28           **27-3-306. Eligibility requirements; waiver or**  
29           **amendment authorized; ~~unemployed waiting period;~~**  
30           **registration and referral for suitable work.**

31

32           (a) An unemployed individual is eligible for benefits  
33           under this article for any week if he:

34

35           ~~(iv) Is unemployed for a waiting period of one~~  
36           ~~(1) week. The waiting period requirement of this paragraph~~  
37           ~~shall not apply to initial or additional claims for~~  
38           ~~benefits filed between July 1, 2002 and June 30, 2005,~~  
39           ~~inclusive;~~

40

41           ~~(c) A week of unemployment qualifies as a waiting~~  
42           ~~period under paragraph (a)(iv) of this section if:~~

1  
2 ~~(i) It occurs within the individual's benefit~~  
3 ~~year and his benefit year includes that week for which the~~  
4 ~~benefit claim is made;~~

5  
6 ~~(ii) No benefits are paid for that week; and~~

7  
8 ~~(iii) The individual is eligible for regular~~  
9 ~~benefits for that week.~~

10  
11 **27-3-606. Department duties regarding unemployment**  
12 **and reemployment.**

13  
14 (c) The department shall take appropriate steps to:

15  
16 ~~(i) Reduce and prevent unemployment;~~

17  
18 ~~(ii) Encourage and assist in the adoption of~~  
19 ~~practical methods of vocational training, retraining and~~  
20 ~~guidance;~~

21  
22 ~~(iii) Investigate, recommend, advise and assist~~  
23 ~~in the establishment and operation of public works reserves~~  
24 ~~by the state and its political subdivisions to be used in~~  
25 ~~times of business depression and unemployment;~~

26  
27 ~~(iv) Promote other alternative reemployment of~~  
28 ~~unemployed workers throughout the state; and~~

29  
30 (v) Conduct and publish results of  
31 investigations and research studies.

32  
33 **27-3-607. Cooperation by department with federal and**  
34 **state agencies; disclosure and submission of specified**  
35 **information; limitations.**

36  
37 (c) The department may:

38  
39 ~~(i) Disclose and furnish copies of records~~  
40 ~~relating to the administration of this act to the railroad~~  
41 ~~retirement board at the board's expense;~~

42  
43 ~~(iii) Furnish information obtained under offices~~  
44 ~~and services provided under W.S. 27-3-605(b) and (c) to any~~  
45 ~~person or agency operating public employment services; and~~  
46

1           **Section 2.**    This act is effective immediately upon  
2 completion of all acts necessary for a bill to become law  
3 as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

5

6

(END)