

ENROLLED ACT NO. 50, SENATE

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING  
2009 GENERAL SESSION

AN ACT relating to administration of government; modifying the state employee classification and compensation plan; modifying duties of the department of administration and information relating to the state employee classification and compensation plan; authorizing compensation for moving expenses for gubernatorial appointees as specified; authorizing expenditures for staff transitions for state elected officials as specified; and providing for an effective date.

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

**Section 1.** W.S. 9-2-1002(a)(xi), 9-2-1005(b)(iv), 9-2-1022(a)(ii), (vi), (xi)(A), (D), (b)(intro), (i) through (iii), (c)(i) through (iii), (v) and (vi), 9-3-104 and 11-20-405(a) are amended to read:

**9-2-1002. Definitions; powers generally; duties of governor; provisions construed; cooperation with legislature and judiciary; divisions enumerated.**

(a) As used in this act:

(xi) "Contract employee" means an employee who is hired by any agency for a limited period of time, pursuant to rules promulgated by the human resources division in W.S. ~~9-2-1022(a)(xi)(E)~~ 9-2-1022(a)(xi)(F);

**9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.**

(b) Subject to subsection (c) of this section, the governor may:

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(iv) Authorize the implementation of the personnel classification and compensation plan consistent with W.S. 9-2-1022(b). ~~This plan shall reflect a legislative pay policy to support a combination of salaries and benefits at equitable levels recognizing the relative internal value of each position as determined by job content, and the labor market in this geographic area for similar work, with due consideration of the need to attract, retain and motivate qualified employees and to recognize the state's financial position.~~

**9-2-1022. Duties of department performed through human resources division.**

(a) Subject to subsection (b) of this section, the department through the human resources division shall:

(ii) Establish and administer a ~~uniform and consistent,~~ equitable and flexible compensation plan covering all agency employees; ~~specifying the minimum, intermediate and maximum levels of pay for positions within each classification;~~

(vi) Initiate and administer recruitment programs designed to attract a sufficient quantity of suitable and qualified employees to the service of the state as needed to fulfill service commitments to its citizens;

(xi) Promulgate reasonable rules:

(A) Which are necessary to administer the classification plan, and the compensation plan; ~~and the system of service ratings;~~

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(D) Necessary to administer a program whereby ~~two (2)~~ employees may share ~~one (1) position or three (3) employees may share two (2)~~ positions as set forth in subsection (f) of this section;

(b) The ~~current~~ state compensation plan shall apply to all state executive branch employees except those employees of the University of Wyoming and community colleges. The compensation and classification plan shall be designed to attract and retain a sufficient quantity of quality employees with competitive compensation based on relevant labor markets for each class of employment. The plan shall be based upon principles of fairness and equity and be administered with sound fiscal discipline. The plan shall utilize both fixed and variable compensation as well as noncash reward and recognition programs. All variable compensation benefits under the plan shall be administered by the department as a separately designated and appropriated budget item. ~~It~~ The plan shall consist of:

(i) Current job descriptions. These shall describe job content including the nature and level of work performed, responsibilities, requirements to possess professional licenses, certifications or registrations, and assist in job evaluation and classification, pay comparisons with other entities, recruitment, selection and performance appraisal;

(ii) Job ~~evaluation~~ content and classification. This process shall formally assign positions to classifications and determine pay grades in one (1) or more pay systems based on an evaluation of the content of jobs using quantitative point factors. At a minimum, these factors shall include knowledge, experience, skill, ~~effort,~~ responsibility, ~~including requirements to possess professional licenses, certifications or registrations,~~

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problem solving, accountability and working conditions. These factors and their weights shall be established by the human resources division and reflect the relative importance of job content to the state and to the appropriate local, regional, national market or a combination of these markets as determined by the division. Establishing the value of compensation shall be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot readily be identified, the value of compensation shall be based on a fair and defensible method. Total compensation, including base salary, benefits, lump sum payments, allowances and other variable elements of compensation shall be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens. The human resources division shall periodically audit and update the system to ensure that it reflects current labor market conditions and at the request of the state employee compensation commission shall review applicable department rules and regulations, or through assessing employee complaints analyze hiring difficulties and turnover statistics;

(iii) Pay data collection and analysis. Data collection shall be based on a defined and relevant labor market that is representative of public and private sector employers. The relevant labor market may be local, regional, national or a combination of these markets as determined by the division to best reflect the relative importance of a job to the state. Data analysis shall identify salary ranges for each pay grade with minimum, ~~midpoint~~ and maximum dollar limits. The total compensation package for state employees shall be considered in the data collection and analysis;

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(c) The state compensation plan shall provide for the following procedures to establish and change individual pay rates:

(i) Rates of pay shall be determined using knowledge, skills, abilities, experience, responsibilities, requirements to possess professional licenses, certifications or registrations, and labor market conditions giving consideration to salaries in the public and private sector in the relevant labor market as determined by the division. Rates of pay shall be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further knowledge, skills and abilities;

(ii) ~~Except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1998,~~ General pay increases shall be only those approved by the legislature;

(iii) Pay increases based on performance appraisals shall be approved ~~after July 1, 1990,~~ consistent with the performance appraisal system; ~~and appropriations for this purpose;~~

(v) Longevity pay increases shall be approved at a rate of ~~thirty dollars (\$30.00)~~ forty dollars (\$40.00) per month for each five (5) years of service. Longevity pay increases shall not be considered as part of base pay;

(vi) Special pay increases may be approved by the governor using available funds. ~~appropriated in the personnel services category in the agencies' budgets or using the authority granted in 1988 Wyoming Session Laws, Chapter 89, Section 209.~~

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**9-3-104. Moving expenses.**

(a) When any state officer or employee is transferred from one (1) official station to another within the state of Wyoming for permanent duty, when the transfer is made at the request of and for the benefit of the state of Wyoming, the employing agency shall pay the actual expenses of transporting the household goods and effects of the officer or employee.

(b) The governor may expend up to twenty thousand dollars (\$20,000.00) in any term of office, from any appropriation to the governor's office not otherwise specifically restricted, for purposes of defraying moving expenses for gubernatorial appointees who are required to move to Cheyenne. Not more than five thousand dollars (\$5,000.00) shall be expended for any one (1) appointee. Any funds expended for this purpose shall be reimbursed to the state by the appointee if the appointee is employed by the state for less than twelve (12) months.

(c) If there is a change in governor as a result of a general election, the governor may expend up to thirty-five thousand dollars (\$35,000.00) from any appropriation to the governor's office not otherwise specifically restricted, for transition staff salaries, travel and other related office expenses. If there is a change of any other elected state official as a result of a general election, the elected official may expend up to fifteen thousand dollars (\$15,000.00) from any appropriation to the official's office not otherwise specifically restricted, for the same purposes.

**11-20-405. Collection and disposition.**

(a) Any funds appropriated by the legislature and all fees collected pursuant to W.S. 11-20-101 through 11-20-124, 11-20-201 through 11-20-230, 11-20-401 and

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11-20-402 shall be remitted to the state treasurer for deposit in the inspection account. Interest earned by the account shall be retained in the account. Monies within the account are subject to legislative review and appropriation for use and expenditure by the board. Itemized vouchers shall be submitted to the chief executive officer of the board for approval. Upon approval, a warrant for the payment of each voucher shall be issued by the state auditor for payment from the inspection account. ~~Notwithstanding W.S. 9-2-1022(a)(xi)(E),~~ The board shall expend monies from the account created by this section only for the purposes authorized by W.S. 11-20-201 through 11-20-230, and 11-20-101 through 11-20-124.

**Section 2.** W.S. 9-2-1022(a)(xi)(E), (xii) and (k) is repealed.

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**Section 3.** This act is effective July 1, 2009.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk