
APPENDIX A

Selected Statutes

Statute relating to the Governor's responsibilities for the state compensation plan

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:

- (i) Authorize revisions, changes or redistributions to approved budgets;
- (ii) Authorize revisions, changes, redistributions or increases to amounts authorized for expenditure by legislative appropriation acts from non-general fund sources after notifying the legislature that in his opinion an emergency financial situation exists, general fund appropriations can be conserved, agency program requirements have significantly changed or unanticipated non-general fund revenues become available and qualify pursuant to W.S. 9-2-1006(a);
- (iii) Authorize the receipt and expenditure of federal revenues exceeding the amount authorized by a legislative appropriation act as provided by W.S. 9-4-206(b);
- (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.

State Employees Compensation Commission statutes

9-2-1019. Personnel hearings; state employee compensation commission created; duties.

(e) The state employee compensation commission is created to review issues related to employee compensation. The commission shall consist of not more than five (5) members to serve two (2) year terms. Three (3) members shall be appointed by the management council of the legislature of whom one (1) shall be from the private sector, and one (1) each from the senate and house of representatives, and two (2) members shall be appointed by the governor, of whom one (1) shall be from the private sector. The commission shall elect a chairman from among its members.

(f) Members who are not legislators or state employees shall receive per diem and travel expenses in the same manner and amount provided under W.S. 28-5-101.

(g) The commission shall meet at the call of the governor, or the chairman, and shall review personnel related issues including, but not limited to:

- (i) Decisions relevant to market-based compensation;
- (ii) Proper recognition and appreciation of employees;
- (iii) Review of personnel rules and regulations;
- (iv) Proper manager to employee ratios.

A&I Division of Human Resources statutes

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:

- (i) Establish and administer a personnel classification schedule covering all agency employees, classifying positions into categories determined by similarity of duties, authority, responsibilities and other relevant factors of employment;
- (ii) Establish and administer a uniform and equitable compensation plan covering all agency employees specifying the minimum, intermediate and maximum levels of pay for positions within each classification;
- (iii) Supervise employer-employee benefit plans not otherwise provided for by law;
- (iv) Maintain an information roster on each employee of the state specifying employee name, employing agency, position classification, rate of compensation, job title, position description and service tenure. The information shall be available for inspection only as provided by the Public Records Act [§§ 16-4-201 through 16-4-205];
- (v) Maintain a register of applications made by all persons seeking employment with an agency. Each application shall be rated on the basis of suitability and qualifications without regard to political affiliation, race, color, sex, creed or age;
- (vi) Initiate and administer recruitment programs designed to attract suitable and qualified employees to the service of the state;
- (vii) Approve all in-service or staff development programs available through agencies or sponsored by the department;
- (viii) Approve all agencies' changes related to personnel with respect to compensation, position classification, transfers, job titles, position specifications and leave time;
- (ix) Subject to subsection (g) of this section, establish personnel standards governing employee leave time, hours of work, attendance, grievances and terminations;

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- (x) With the cooperation and assistance of the division of economic analysis, collect and maintain statistical information related to personnel administration from agencies;
 - (xi) Promulgate reasonable rules:
 - (A) Which are necessary to administer the classification plan, the compensation plan and the system of service ratings;
 - (B) Governing minimum hours of work, attendance regulations, leaves of absence for employees, vacations and the order and manner in which layoffs shall be made;
 - (C) Concerning recruiting, transfers, discipline, grievances and appeals; and
 - (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;
 - (E) Necessary to administer a program whereby contract employees may be utilized by agencies to meet programmatic needs until July 1, 1996;
 - (F) Necessary to administer a program whereby at-will contract employees may be utilized by agencies to meet programmatic needs. These rules shall be structured so that: *Note: (I) – (IV) not copied here.*
 - (xii) Establish a program whereby two (2) employees may voluntarily share one (1) classified position or three (3) employees may voluntarily share two (2) positions subject to the provisions of subsection (f) of this section;
 - (xiii) Administer all statewide training functions provided by the department;
 - (xiv) Repealed By Laws 2001, Ch. 55, § 3
- (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. It shall consist of:
- (i) Current job descriptions. These shall describe the nature and level of work performed and assist in job evaluation and classification, pay comparisons with other entities, recruitment, selection and performance appraisal;
 - (ii) Job evaluation 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 skill, effort, responsibility 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. The human resources division shall periodically audit the system through assessing employee complaints and analyzing 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. Data analysis shall identify salary ranges for each pay grade with minimum, midpoint and maximum dollar limits;
- (iv) Procedures to set and change individual pay rates consistent with subsection (c) of this section;
- (v) A performance appraisal system. This system shall measure performance in writing as objectively as possible. The system shall relate differences in performance levels and provide a means of employee advancement within classification pay grades. Evaluators shall be trained in performance appraisal prior to assessing the performance of any employee. Evaluators shall be required to attend continuing personnel evaluation education programs as deemed necessary by the human resources division. All employees subject to appraisal may respond to the appraisal of their performance in writing;
- (vi) Data collected under this subsection shall be available to the legislature as needed.
- (c) Beginning July 1, 1989, the state compensation plan shall provide for the following procedures to establish and change individual pay rates:
- (i) Except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1998, starting rates of pay shall reflect the experience of new hires, labor market conditions and established rates of pay for current, experienced employees;
- (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;
- (iv) Promotion pay increases may be approved when an employee moves to a higher job grade;
- (v) Longevity pay increases shall be approved at a rate of thirty dollars (\$30.00) per month for each five (5) years of service;
- (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.
- Note: W.S. 9-2-1022 (d) – (j) not copied here as they do not relate to compensation*
- (k) Except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1996, as part of the state employee compensation plan, the division shall by rule and regulation establish a pilot program commencing July 1, 1993, under which:

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- (i) A portion of an employee's compensation for services performed during that fiscal year may be in the form of a bonus;
 - (ii) The award of any bonus shall be based on performance that satisfies previously determined criteria;
 - (iii) Bonuses under this program shall be funded from the encumbrance of funds appropriated for the employee's agency which funds would otherwise revert at the conclusion of the biennium. At the conclusion of each biennium, the governor shall approve the amount of funds from each agency which may be encumbered for bonuses which amount shall not exceed ten percent (10%) of the total amount which would otherwise revert at the conclusion of the biennium. Funds approved by the governor under this paragraph shall be used to fund bonuses for qualifying employees of that agency for the second year of the concluding biennium;
 - (iv) A proposed plan for the pilot program shall be submitted to the joint appropriations committee prior to January 15, 1994.
- (m) A department director or commissioner appointed by the governor shall serve at the pleasure of the governor and may be removed by him as provided by W.S. 9-1-202. If authorized by law or upon approval by the governor, a department director or commissioner may appoint a deputy department director, one (1) or more division administrators, or both, who shall serve at the pleasure of the director or commissioner and may be removed by him at any time without cause. Any person appointed under this subsection shall be covered under the executive compensation plan. This subsection is not applicable to the game and fish department.

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