

ORIGINAL SENATE  
FILE NO. 0014

ENROLLED ACT NO. 29, SENATE

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2003 GENERAL SESSION

AN ACT relating to unemployment insurance; clarifying duties of the department of employment and the department of workforce services with respect to an individual's reporting responsibilities; eliminating a cap on the maximum weekly benefit amount; amending eligibility requirements for benefits as specified; amending disqualification provisions for other benefit payments received; increasing offset collection procedures as specified; eliminating the delinquency rate for reimbursable employers; modifying waiting period requirement; and providing for an effective date.

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

**Section 1.** W.S. 27-3-102(a)(xx), 27-3-303(a), 27-3-306(a)(i)(intro), (iv), (vi), by creating a new paragraph (vii) and renumbering (vii) as (viii), 27-3-307(a)(intro), (ii), (b)(intro) and by creating a new subsection (d), 27-3-311(a)(intro), (v), (vi) and by creating a new subsection (f), 27-3-313(a)(v) and by creating a new subsection (c), 27-3-402(d), 27-3-409(b)(intro), (i) and by creating new subsections (e) and (f) and 27-3-503 by creating a new subsection (h) are amended to read:

**27-3-102. Definitions generally.**

(a) As used in this act:

(xx) "Department" means the divisions within the department of employment established under W.S. 9-2-2002 which contain the principal operating units that administer the unemployment compensation program pursuant to the Social Security Act;

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**27-3-303. Weekly amount; computation; payment.**

(a) Subject to subsection (d) of this section, the weekly benefit amount for an eligible individual is four percent (4%) of his total wages payable for insured work in that quarter of his base period in which his wages were highest computed to the next lower multiple of one dollar (\$1.00). The amount shall not be more than the statewide weekly wage multiplied by fifty-five percent (55%) and computed to the next lower multiple of one dollar (\$1.00). ~~not to exceed three hundred dollars (\$300.00).~~ The statewide weekly wage is the total wages reported by employers, excluding the limitation on the amount of wages subject to contributions under this act, for employment during the calendar year preceding June 1 divided by the product of fifty-two (52) times the twelve (12) month average of the number of employees in the pay period and rounded to the nearest cent. The statewide average annual wage is the total wages reported by employers, excluding the limitation on the amount of wages subject to contributions under this act, for employment during the calendar year preceding June 1 divided by the twelve (12) month average of the number of employees in the pay period and rounded to the nearest cent. The pay period reported by employers shall include the twelfth day of each month during the same year. The minimum and maximum weekly benefit paid under this subsection to any individual applies only to the benefit year beginning on or after July 1.

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

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

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(i) Registers for work, with the department of workforce services and actively seeks work ~~and continues to report to a department office~~ in accordance with regulations of the commission, unless he will be recalled to full-time work:

(iv) Is unemployed for a waiting period of one (1) week. The waiting period requirement of this paragraph shall not apply to initial or additional claims for benefits filed between July 1, 2002 and June 30, ~~2004~~2005, inclusive;

(vi) As a corporate officer, is unemployed, certifies unemployment and otherwise satisfies the requirements of this subsection; ~~and~~

(vii) Continues to report to a department office in accordance with regulations of the commission; and

~~(vii)~~ (viii) Participates in reemployment services such as job search assistance services if the individual is determined to be likely to exhaust regular benefits and to require reemployment services pursuant to a profiling system established by the department, unless the department determines:

(A) The individual has completed reemployment services; or

(B) There is justifiable cause for the claimant's failure to participate in these services.

**27-3-307. Eligibility when enrolled in approved training program; standards for training program approval.**

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(a) Notwithstanding W.S. ~~27-3-306(a)(iii)~~  
27-3-306(a)(i) and (iii) or 27-3-311(a)(ii) and (iii) or  
any federal law relating to availability for, active search  
for, failure to apply for or refusal to accept suitable  
work, an otherwise eligible individual is eligible for  
benefits for any week if he is:

(ii) In training approved under federal law. ~~or  
leaving work to enter approved training if that work is not  
suitable employment as defined and determined under federal  
law.~~

(b) Standards for training program approval under  
~~paragraph (a)(i)~~ subsection (a) of this section are:

(d) Notwithstanding W.S. 27-3-306(a)(i), (iii) and  
(iv) or 27-3-311(a)(i) through (iii) or any federal law  
relating to availability for, active search for, failure to  
apply for or refusal to accept suitable work, an otherwise  
eligible individual is eligible for benefits for any week  
if he is not receiving wages or compensation while  
participating in training in an apprenticeship program  
approved by the department if he:

(i) Is attending instruction related to the  
program when the instruction does not exceed eight (8)  
weeks during the benefit year of the individual and the  
attendance in the instruction is required as a condition of  
the individual's continued enrollment in the apprenticeship  
program;

(ii) Provides the department with a copy of his  
apprenticeship agreement;

(iii) Files claims in accordance with the rules  
of the department;

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(iv) Establishes to the satisfaction of the department that the training is an approved apprenticeship program; and

(v) Has his most recent employer approve his participation in the training.

**27-3-311. Disqualifications from entitlement; grounds; forfeiture.**

(a) An individual shall be disqualified from benefit entitlement beginning with the effective date of an otherwise valid claim or ~~on the date~~ the week during which the failure occurred, until he has been employed in an employee-employer relationship ~~for a period of at least twelve (12) weeks whether or not consecutive,~~ and has earned at least ~~twelve (12)~~ eight (8) times the weekly benefit amount of his current claim for services after that date, if the department finds that he:

(v) Following four (4) weeks of unemployment, failed to apply for or accept an offer of suitable work other than in his customary occupation offering at least fifty percent (50%) of the compensation of his previous insured work in his customary occupation; or

(vi) Following twelve (12) weeks of unemployment, as a member of a labor organization fails to apply for or accept suitable nonunion work in his customary occupation. ~~;~~ ~~or~~

(f) An individual shall be disqualified from benefit entitlement beginning with the effective date of an otherwise valid claim or the week during which the failure occurred, until he has been employed in an employee-

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employer relationship and has earned at least twelve (12) times the weekly benefit amount of his current claim for services after that date, if the department finds that he was discharged from his most recent work for misconduct connected with his work.

**27-3-313. Other grounds for disqualification.**

(a) For any week with respect to which the following situations occur or payments have been or will be received, an individual shall be disqualified from benefit entitlement if:

(v) Retirement annuities, pensions or other ~~such~~ payments are received from a base period employer or any trust or fund contributed to by a base period employer, and the individual made no contribution to the annuity, pension or other payment. Lump sum payments of retirement annuities, pensions or other ~~such~~ payments which are rolled over into other private funds and which are not deemed income by the internal revenue service shall not be deducted under this subsection. If the payments decreased to the next lower multiple of one dollar (\$1.00) are less than the weekly benefit amount otherwise due under this article, the individual is entitled to benefits in an amount reduced by the payments. ~~In addition, payments received under this paragraph shall be reduced by fifty percent (50%) prior to deduction pursuant to this subsection if the individual made any contribution to the retirement annuity, pension or other such payment provided by the base period employer.~~

(c) The individual shall be disqualified from benefit entitlement during any week for which the individual has filed a claim for benefits and remuneration is received as a severance payment, termination allowance, sick pay or

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earned vacation. If the remuneration decreased to the next lower multiple of one dollar (\$1.00) is less than the weekly benefit amount, the amount of the payment shall be deducted from the amount of benefits the individual would otherwise be entitled to receive during that week.

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

(d) Notice of a determination or a redetermination shall be mailed promptly to the claimant at his last known address of record. Notice of a determination involving application of W.S. 27-3-308, 27-3-311(a)(i) and ~~(vii)~~ (f) and 27-3-313(a)(i), together with reasons, shall be given to the last employing unit of the claimant. The department may dispense with notice to any base period employing unit of the claimant if the employing unit failed to indicate prior to determination that he is the base period employer and the claimant may be ineligible or disqualified under this act.

**27-3-409. Payment of benefits upon determination; repayment of overpaid benefits; penalty.**

(b) An individual receiving benefits under this act to which he is not entitled shall be liable for and repay ~~any such~~ the benefit. Repayment of the benefits shall be had either by recoupment, recovery by civil action or both:

(i) The department in its discretion, may recoup the benefit amount liable to be repaid by offsetting, without civil action, against future benefits payable to the individual under this act within ~~three (3)~~ five (5) years from the effective date of ~~an overpayment determination—the claim resulting in the overpayment.~~ There shall be no—The department shall waive recoupment if

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an individual is without fault in receiving the benefits and it defeats the purpose of this act or is against equity and good conscience as considered by the department in accordance with regulations of the commission;

(e) The department shall cancel the amount of overpayment or penalty due on any overpayment when:

(i) The individual is deceased with no estate or the estate is closed and all assets are distributed; or

(ii) The individual is adjudicated insolvent by a court of competent jurisdiction with no remaining assets.

(f) The department may cancel the amount of overpayments or penalty due on any overpayment five (5) years after the effective date of the claim resulting in an overpayment when:

(i) The individual cannot be located within the state of Wyoming;

(ii) The individual is totally unable to work;  
or

(iii) The department's records show the individual earned covered wages of less than one-half (1/2) the average weekly wage within Wyoming in the most recent calendar year.

**27-3-503. Payment; base rate; failure to pay; rate variations; benefit ratio; new employer rate; special reserve rate.**

(h) Any employer subject to this act solely due to having met the liability requirements under W.S.



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27-3-105(a)(ii), 27-3-107(c) or (g) for the first time during the preceding calendar year shall be exempt from the delinquent rate provisions in subsection (b) of this section for the subsequent year, provided the employer has submitted all reports and contributions by April 30 of the subsequent year.

**Section 2.** W.S. 27-3-311(a)(vii) and 27-3-313(a)(ii) are repealed.

**Section 3.** This act is effective July 1, 2003.

(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