



# Certification Page Regular and Emergency Rules

Revised June 2020

Emergency Rules (Complete Sections 1-3 and 5-6)

Regular Rules

### 1. General Information

a. Agency/Board Name* <b>Workforce Services, Department of</b>			
b. Agency/Board Address	<b>5221 Yellowstone Road</b>	c. City	<b>Cheyenne</b>
		d. Zip Code	<b>82002</b>
e. Name of Agency Liaison	<b>Marcia J Price</b>	f. Agency Liaison Telephone Number	<b>307-777-6746</b>
g. Agency Liaison Email Address	<b>marcia.price@wyo.gov</b>	h. Adoption Date	<b>6/18/2021</b>
i. Program	<b>Labor Standards Division</b>		
Amended Program Name (if applicable):			

\*  By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

### 2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular (non-emergency) rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these non-emergency or regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. If the rules are new, please provide the Legislative Chapter Numbers **2021 Sessions Law Chapter 90, HEA0090** and Years Enacted (e.g. 2015 Session Laws Chapter 154):

### 3. Rule Type and Information

For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.

a. Provide the Chapter Number, Title\* and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
<b>12</b>	<b>Preference for Wyoming Resident Labor</b>			
Amended Chapter Name (if applicable):				
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):				
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):				
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):				
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):				

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

**5. Checklist**

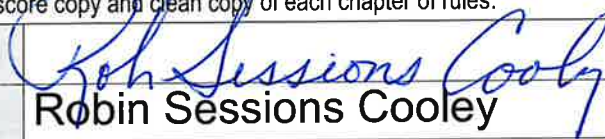
a.  For regular rules, the Statement of Principal Reasons is attached to this Certification and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule

b.  For emergency rules, the Memorandum to the Governor documenting the emergency, which requires promulgation of these rules without providing notice or an opportunity for a public hearing, is attached to this Certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct. By electronically submitting the emergency or regular rules into the Wyoming Administrative Rules System, the undersigned acknowledges that the Registrar of Rules will review the rules as to form and, if approved, the electronic filing system will electronically notify the Governor's Office, Attorney General's Office, and Legislative Service Office of the approval and electronically provide them with a copy of the complete rule packet on the date approved by the Registrar of Rules. The complete rules packet includes this signed certification page; the Statement of Principal Reasons or, if emergency rules, the Memorandum to the Governor documenting the emergency; and a strike and underscore copy and clean copy of each chapter of rules.

Signature of Authorized Individual



Printed Name of Signatory

Robin Sessions Cooley

Signatory Title

Director, DWS

Date of Signature

6/18/2021

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

**Statement of Reasons**  
**Labor Standards**  
**Chapter 12 – Preference for Wyoming Resident Labor**

The Wyoming Department of Workforce Services (DWS), Labor Standards Division proposes updates on Chapter 12 – Preference for Wyoming Resident Labor. On April 5, 2021, Wyoming Governor Mark Gordon signed the House Enrolled Act (HEA) 0059, Wyoming Preference Act of 1971 - Amendments as passed by the 66<sup>th</sup> Legislature. HEA 0059 focuses on resident and nonresident laborers employed on public works projects.

Statutory authority for Labor Standards to promulgate rules regarding preference for state laborers on public works projects is established by Wyoming Statute § 16-6-205(a) of the Wyoming Preference Act of 1971, as amended. Labor Standards' rules establish procedures for certifying resident contractors and suppliers, ensuring qualified Wyoming resident laborers are provided with adequate opportunities to be employed on public works projects, set forth contested case hearing procedures, and establish investigation and enforcement procedures in accordance with the applicable statutes.

Prior to the changes in Wyoming Statutes §§ 16-6-202, 16-6-203, and 16-6-206, all laborers employed on public works projects must be Wyoming residents. If Wyoming resident laborers are not available, a state workforce center may certify nonresident laborers for employment on a specific project.

This act (as taken from LSO website):

Amends the residency requirement for Wyoming laborers from one year to ninety (90) days;

Revises the process for certifying nonresident laborers as eligible for employment on public works. The act allows for certification of a specific number of nonresident laborers on multiple public works for a nine (9) month period;

Allows for emergency certification of nonresident laborers if Wyoming laborers are not readily available to respond to a situation that endangers the health, welfare or safety of the public; and,

Requires reporting by persons responsible for public works on the number on nonresident laborers employed.

The following are specific changes to Labor Standards Chapter 12 – Preference for Wyoming Resident Labor rules:

Section 3 – Definitions – added (d) “Emergency” definition and reformatted the remainder of the section;

Section 4 – Business Consultant Unit – added (i) “assist in the confirmation of an emergency project by coordinating with the Workforce Center in contacting the project owner as necessary”;

Section 5 – Employer Responsibilities – added (d) “an employer shall provide a list of all subcontractors on a Public Work project to the Business Consultant Unit upon request from the Department”;

Section 6 – Resident Labor – (a)(i) and (a)(iv) – deleted one year and added ninety (90) days; (a)(ii) – added “resident hunting or fishing license” deleted one year and added ninety (90) days; (a)(iii) – added “military form DD214, which indicates Wyoming as the applicant’s domicile and home or record for at least ninety (90) days; added (d): “an employer who anticipates employing an individual on a public work project who does not meet residency requirements as outlined in W.S. § 16-6-201(a)(ii), but whom the employer believes should be considered a resident for the purposes of the Wyoming Preference Act, may submit a request in writing to approve the person as a resident to the Business Consultant Unit prior to the individual starting employment on a public work project” and added (d)(i) – “the Business Consultant Unit shall issue a written document within ten (10) days of receiving the written request from the employer. The determination will approve or deny residency status for the individual;

Section 8 – Investigation and Notice of Determination – deleted (c); and,

Section 9 – Final Agency Decision – reformatted (a)-(c).



**Mark Gordon**  
Governor

# State of Wyoming

## Department of Workforce Services

Office of the Director  
5221 Yellowstone Road  
Cheyenne, Wyoming 82009  
307.777.8650 ■ Fax: 307.777.5857  
[www.wyomingworkforce.org](http://www.wyomingworkforce.org)



**Robin Sessions Cooley, J.D.**  
Director

**Elizabeth Gagen, J.D.**  
Deputy Director

---

June 18, 2021

**Public Comments**  
**Labor Standards Division,**  
**Chapter 12, Preference for Wyoming Resident Labor**

The Secretary of State's office accepted and posted the proposed rule for public viewing on May 5, 2021. On the same date, a public notice was posted on DWS's website as well as an email was sent to interested parties.

On May 9, 2021, a public notice was published in the Casper newspaper for statewide notice.

The 45 day public comment period for this rule expired on June 17, 2021.

No public comments were received.

## CHAPTER 12

### PREFERENCE FOR WYOMING RESIDENT LABOR

**Section 1. Authority.** This Chapter is promulgated by the authority Wyoming Statute § 16-6-205(a) of the Wyoming Preference Act of 1971, as amended.

**Section 2. Purpose.** This Chapter prescribes procedures and practices to ensure the proper administration of, and to establish and implement measures to ensure compliance with, the Wyoming Preference Act.

**Section 3. Definitions.**

(a) “Business Consultant Unit” means a team within the Department primarily responsible for providing guidance and oversight of the Wyoming Preference Act.

(b) “Certification process” means the methods and procedures, established by the Workforce Center, implemented to validate a qualified Wyoming resident applicant laborer is provided with adequate opportunity to be employed on a public works project, and to ensure each Employer has exercised due diligence in hiring Wyoming resident labor prior to the issuance of a Certification Letter authorizing the Employer to hire nonresident labor.

(c) “Department” means the Wyoming Department of Workforce Services.

(d) “Emergency” means an unexpected situation that threatens the health, welfare or safety of the public.

(e) “Employer” means a person or entity who hires or employs skilled or unskilled laborers for public works projects.

(f) “Independent contractor” means an individual who performs compensated services for another individual or entity, and who:

(i) Is free from control or direction over the details of the performance of services by contract and by fact;

(ii) Represents his/her services to the public as a self-employed individual or an independent contractor; and

(iii) May substitute another individual to perform his/her services.

(g) “Noncompliance indicator” means any action or inaction which tends to suggest an Employer’s noncompliance with the Wyoming Preference Act, and may include, but is not limited to, any of the following:

(i) Employer's unwillingness to disclose a project name, location, or start date when opening a job order or upon request;

(ii) Employer's requiring of a certification, license, excessive experience, or other qualification criteria that is not related to the craft or project;

(iii) Employer's failure to respond to an applicant;

(iv) Employer's failure to hire a qualified resident applicant without acceptable cause;

(v) Employer's failure to respond to an inquiry from the Department;

(vi) Discovery of noncompliance found during a compliance check; or

(vii) A complaint or allegation of noncompliance.

(h) "Owner" means the State of Wyoming or any political subdivision, municipal corporation, special district, or other governmental unit, including any authorized agent thereof.

(i) "Skilled laborer" means any skilled laborer who performs work in a craft, trade, or specialty occupation requiring related experience, training, or specialized education.

(j) "Unskilled laborer" means any unskilled laborer who performs work which does not require any level of specialized training, experience, or education.

(k) "Willful or intentional noncompliance" means:

(i) A deliberate action used by an employer to negate or circumvent the provisions of the Wyoming Preference Act; or

(ii) A recurrence of, or failure to correct, an instance of noncompliance after an employer receives a pre-construction Notice or Advisory on the applicability of the Wyoming Preference Act.

(l) "Workforce Center" means any of the Department's Workforce Centers, statewide offices providing workforce programs and services.

(m) "Wyoming Preference Act" means the Wyoming Preference Act of 1971, as amended, Wyoming Statute §§ 16-6-201 through -206.

**Section 4. Business Consultant Unit.** The Business Consultant Unit shall perform consultation and monitoring services on behalf of the Department for the purposes of enforcing the Wyoming Preference Act. In carrying out its functions, the Business Consultant Unit may:

- (a) Examine identification to establish residency status and certification compliance at public works project sites;
- (b) Notify the appropriate Workforce Center when performing an evaluation of, or inquiry into, a problematic job order;
- (c) Issue a letter of inquiry, pre-construction Notice, Advisory, Citation, and Debarment, as necessary;
- (d) Revoke a Certification Letter when evidence demonstrates an Employer willfully or intentionally failed to hire qualified Wyoming resident labor;
- (e) Support and assist the Workforce Center in obtaining information on a public works project or a prospective Employer during the certification process;
- (f) Initiate a customer outreach program that will provide training to Owners and Employers on applicable statutes and rules related to their legal obligations;
- (g) Examine payroll records to ensure that an Employer pays overtime in accordance with Wyoming Statute § 16-6-110, as applicable;
- (h) Investigate reports of suspected noncompliance reported by the Workforce Center or general public; and
- (i) Assist in the confirmation of an emergency project by coordinating with the Workforce Center in contacting the project owner as necessary.

**Section 5. Employer Responsibilities.**

- (a) Every Employer shall cooperate with the Department, Workforce Center, and Business Consultant Unit in carrying out its obligations.
- (b) No Employer shall open a job order or act as an advocate for another Employer.
- (c) Every Employer shall ensure that any applicable contract or subcontract contains the required provisions and acknowledgments required by Wyoming Statute § 16-6-203(a) of the Wyoming Preference Act.
- (d) An Employer shall provide a list of all subcontractors on a Public Work project to the Business Consultant Unit upon request from the Department.

**Section 6. Resident Labor.**

- (a) Every Employer shall ensure that each laborer claiming Wyoming resident status, including those laborers from temporary labor agencies, satisfies the requirements of Wyoming



Statute § 16-6-202(a)(ii), and shall provide documentary evidence to establish Wyoming resident status upon request by the Department, Workforce Center, or Business Consultant Unit. Wyoming resident status may be established by:

(i) A Wyoming driver's license showing an original issue date no less than ninety (90) days prior; or

(ii) A utility bill, rent receipt, insurance policy, mortgage document, vehicle registration, pay stub, tax document, voter registration, doctor's bill, resident hunting or fishing license, school records or bank statement showing the resident's Wyoming address for a period of at least ninety (90) days; or

(iii) Military form DD214, which indicates Wyoming as the applicant's domicile and home of record for at least ninety (90) days; or

(iv) Any other documentary evidence establishing ninety (90) days of Wyoming residency acceptable to the Department, Workforce Center, or Business Consultant Unit.

(b) An Employer shall not require any Wyoming resident to apply through a labor organization or union, or at any location outside of the assigned Workforce Center's area of responsibility.

(c) An Employer shall not require any Wyoming resident to apply through an outside source without a means of verifying each application is received and acknowledged.

(d) An employer who anticipates employing an individual on a public work project who does not meet residency requirements as outlined in W.S. § 16-6-201(a)(ii), but whom the employer believes should be considered a resident for the purposes of the Wyoming Preference Act, may submit a request in writing to approve the person as a resident to the Business Consultant Unit prior to the individual starting employment on a public work project.

(i) The Business Consultant Unit shall issue a written document within ten (10) days of receiving the written request from the employer. The determination will either approve or deny residency status for the individual.

#### **Section 7. Nonresident Labor.**

(a) Prior to employing any nonresident laborer on a covered public works project, an Employer shall apply for and obtain a Certification Letter from the assigned Workforce Center.

(b) An Employer shall comply with the Workforce Center's certification process to ensure qualified Wyoming resident laborers are provided opportunity to be employed on public works projects.

**Section 8. Investigation and Notice of Determination.**

(a) The Business Consultant Unit shall investigate an Employer when one or more noncompliance indicators are reported or discovered to determine compliance with the Wyoming Preference Act.

(b) Upon completion of its investigation, the Business Consultant Unit shall make an assessment as to whether the subject Employer is or is not compliant with the Wyoming Preference Act, and shall notify the Employer of its determination as follows:

(i) A “No Violation” notification shall be issued when there is no evidence of noncompliance.

(ii) An “Advisory” notification shall be issued when the Employer is deemed to be noncompliant on the first offence, or when a recurrence of noncompliance occurs one year or more after the previous noncompliance occurrence.

(iii) A “Citation” notification shall be issued if the recurrence date occurs within one year from the date of the previous occurrence of noncompliance, or upon discovery of willful or intentional noncompliance.

(iv) A “Citation and Debarment” notification shall be issued upon a recurrence of noncompliance within one year from date of a Citation being issued.

(c) Where the investigation was initiated by a complaint, the Business Consultant Unit shall notify the complainant of its findings when the complainant’s identification and contact information is known.

**Section 9. Final Agency Decision.**

(a) If no hearing is requested pursuant to Wyoming Statute § 16-6-206(d), the Department shall issue its final agency decision within thirty (30) days from the end of the hearing request filing period.

(b) If a hearing is held, the Department shall issue its final agency decision within thirty (30) days after the hearing officer’s recommended decision is issued.

(c) In its final agency decision, the Department may accept, reject, or modify the hearing officer’s recommended decision.

## CHAPTER 12

### PREFERENCE FOR WYOMING RESIDENT LABOR

**Section 1. Authority.** This Chapter is promulgated by the authority Wyoming Statute § 16-6-205(a) of the Wyoming Preference Act of 1971, as amended.

**Section 2. Purpose.** This Chapter prescribes procedures and practices to ensure the proper administration of, and to establish and implement measures to ensure compliance with, the Wyoming Preference Act.

**Section 3. Definitions.**

(a) “Business Consultant Unit” means a team within the Department primarily responsible for providing guidance and oversight of the Wyoming Preference Act.

(b) “Certification process” means the methods and procedures, established by the Workforce Center, implemented to validate a qualified Wyoming resident applicant laborer is provided with adequate opportunity to be employed on a public works project, and to ensure each Employer has exercised due diligence in hiring Wyoming resident labor prior to the issuance of a Certification Letter authorizing the Employer to hire nonresident labor.

(c) “Department” means the Wyoming Department of Workforce Services.

(d) “Emergency” means an unexpected situation that threatens the health, welfare or safety of the public.

(~~e~~) “Employer” means a person or entity who hires or employs skilled or unskilled laborers for public works projects.

(~~f~~) “Independent contractor” means an individual who performs compensated services for another individual or entity, and who:

(i) Is free from control or direction over the details of the performance of services by contract and by fact;

(ii) Represents his/her services to the public as a self-employed individual or an independent contractor; and

(iii) May substitute another individual to perform his/her services.

(~~g~~) “Noncompliance indicator” means any action or inaction which tends to suggest an Employer’s noncompliance with the Wyoming Preference Act, and may include, but is not limited to, any of the following:

(i) Employer's unwillingness to disclose a project name, location, or start date when opening a job order or upon request;

(ii) Employer's requiring of a certification, license, excessive experience, or other qualification criteria that is not related to the craft or project;

(iii) Employer's failure to respond to an applicant;

(iv) Employer's failure to hire a qualified resident applicant without acceptable cause;

(v) Employer's failure to respond to an inquiry from the Department;

(vi) Discovery of noncompliance found during a compliance check; or

(vii) A complaint or allegation of noncompliance.

(gh) "Owner" means the State of Wyoming or any political subdivision, municipal corporation, special district, or other governmental unit, including any authorized agent thereof.

(hi) "Skilled laborer" means any skilled laborer who performs work in a craft, trade, or specialty occupation requiring related experience, training, or specialized education.

(ij) "Unskilled laborer" means any unskilled laborer who performs work which does not require any level of specialized training, experience, or education.

(jk) "Willful or intentional noncompliance" means:

(i) A deliberate action used by an employer to negate or circumvent the provisions of the Wyoming Preference Act; or

(ii) A recurrence of, or failure to correct, an instance of noncompliance after an employer receives a pre-construction Notice or Advisory on the applicability of the Wyoming Preference Act.

(kl) "Workforce Center" means any of the Department's Workforce Centers, statewide offices providing workforce programs and services.

(lm) "Wyoming Preference Act" means the Wyoming Preference Act of 1971, as amended, Wyoming Statute §§ 16-6-201 through -206.

**Section 4. Business Consultant Unit.** The Business Consultant Unit shall perform consultation and monitoring services on behalf of the Department for the purposes of enforcing the Wyoming Preference Act. In carrying out its functions, the Business Consultant Unit may:

- (a) Examine identification to establish residency status and certification compliance at public works project sites;
- (b) Notify the appropriate Workforce Center when performing an evaluation of, or inquiry into, a problematic job order;
- (c) Issue a letter of inquiry, pre-construction Notice, Advisory, Citation, and Debarment, as necessary;
- (d) Revoke a Certification Letter when evidence demonstrates an Employer willfully or intentionally failed to hire qualified Wyoming resident labor;
- (e) Support and assist the Workforce Center in obtaining information on a public works project or a prospective Employer during the certification process;
- (f) Initiate a customer outreach program that will provide training to Owners and Employers on applicable statutes and rules related to their legal obligations;
- (g) Examine payroll records to ensure that an Employer pays overtime in accordance with Wyoming Statute § 16-6-110, as applicable; ~~and~~
- (h) Investigate reports of suspected noncompliance reported by the Workforce Center or general public; and
- (i) Assist in the confirmation of an emergency project by coordinating with the Workforce Center in contacting the project owner as necessary.

**Section 5. Employer Responsibilities.**

- (a) Every Employer shall cooperate with the Department, Workforce Center, and Business Consultant Unit in carrying out its obligations.
- (b) No Employer shall open a job order or act as an advocate for another Employer.
- (c) Every Employer shall ensure that any applicable contract or subcontract contains the required provisions and acknowledgments required by Wyoming Statute § 16-6-203(a) of the Wyoming Preference Act.
- (d) An Employer shall provide a list of all subcontractors on a Public Work project to the Business Consultant Unit upon request from the Department.

**Section 6. Resident Labor.**

- (a) Every Employer shall ensure that each laborer claiming Wyoming resident status, including those laborers from temporary labor agencies, satisfies the requirements of Wyoming

Statute § 16-6-202(a)(ii), and shall provide documentary evidence to establish Wyoming resident status upon request by the Department, Workforce Center, or Business Consultant Unit. Wyoming resident status may be established by:

(i) A Wyoming driver's license showing an original issue date no less than ~~one year~~ ninety (90) days prior; or

(ii) A utility bill, rent receipt, insurance policy, mortgage document, vehicle registration, pay stub, tax document, voter registration, doctor's bill, resident hunting or fishing license, school records or bank statement showing the resident's Wyoming address for a period of at least ~~one year~~ ninety (90) days; or

(iii) Military form DD214, which indicates Wyoming as the applicant's domicile and home of record for at least ninety (90) days; or

(~~iii~~ iv) Any other documentary evidence establishing ~~one year~~ ninety (90) days of Wyoming residency acceptable to the Department, Workforce Center, or Business Consultant Unit.

(b) An Employer shall not require any Wyoming resident to apply through a labor organization or union, or at any location outside of the assigned Workforce Center's area of responsibility.

(c) An Employer shall not require any Wyoming resident to apply through an outside source without a means of verifying each application is received and acknowledged.

(d) An employer who anticipates employing an individual on a public work project who does not meet residency requirements as outlined in W.S. § 16-6-201(a)(ii), but whom the employer believes should be considered a resident for the purposes of the Wyoming Preference Act, may submit a request in writing to approve the person as a resident to the Business Consultant Unit prior to the individual starting employment on a public work project.

(i) The Business Consultant Unit shall issue a written document within ten (10) days of receiving the written request from the employer. The determination will either approve or deny residency status for the individual.

## **Section 7. Nonresident Labor.**

(a) Prior to employing any nonresident laborer on a covered public works project, an Employer shall apply for and obtain a Certification Letter from the assigned Workforce Center.

(b) An Employer shall comply with the Workforce Center's certification process to ensure qualified Wyoming resident laborers are provided opportunity to be employed on public works projects.

**Section 8. Investigation and Notice of Determination.**

(a) The Business Consultant Unit shall investigate an Employer when one or more noncompliance indicators are reported or discovered to determine compliance with the Wyoming Preference Act.

(b) Upon completion of its investigation, the Business Consultant Unit shall make an assessment as to whether the subject Employer is or is not compliant with the Wyoming Preference Act, and shall notify the Employer of its determination as follows:

(i) A “No Violation” notification shall be issued when there is no evidence of noncompliance.

(ii) An “Advisory” notification shall be issued when the Employer is deemed to be noncompliant on the first offence, or when a recurrence of noncompliance occurs one year or more after the previous noncompliance occurrence.

(iii) A “Citation” notification shall be issued if the recurrence date occurs within one year from the date of the previous occurrence of noncompliance, or upon discovery of willful or intentional noncompliance.

(iv) A “Citation and Debarment” notification shall be issued upon a recurrence of noncompliance within one year from date of a Citation being issued.

~~(c) The Business Consultant Unit shall notify all parties of its determination by certified mail.~~

~~(d)~~ Where the investigation was initiated by a complaint, the Business Consultant Unit shall notify the complainant of its findings when the complainant’s identification and contact information is known.

**Section 9. Final Agency Decision.**

(a) If no hearing is requested pursuant to Wyoming Statute § 16-6-206(d), the Department shall issue its final agency decision within thirty (30) days from the end of the hearing request filing period.

(b) If a hearing is held, the Department shall issue its final agency decision within thirty (30) days after the hearing officer’s recommended decision is issued.

(c) In its final agency decision, the Department may accept, reject, or modify the hearing officer’s recommended decision.