

HOUSE BILL NO. _____

Department of employment appeals-employers.

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

A BILL

for

1 AN ACT relating to the department of employment; providing
2 a uniform procedure for employers appealing unemployment
3 insurance and workers' compensation decisions of the
4 department of employment; conforming a provision; and
5 providing for an effective date.

6
7 *Be It Enacted by the Legislature of the State of Wyoming:*

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9 **Section 1.** W.S. 27-14-208 is created to read:

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11 **27-14-208. Employer contested cases.**

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13 An employer may apply to the department for review of a
14 decision or determination involving classification,
15 contribution liability, contribution rates or the charging
16 of claims costs under this act. The application shall be in

1 writing and shall state the reasons for review. The
2 department, on behalf of the unemployment insurance
3 commission, shall notify the employer of its acceptance or
4 denial of the application for review or of a
5 redetermination by the commission. If the commission grants
6 review, the employer shall be given opportunity for hearing
7 in accordance with W.S. 27-3-401 through 27-3-409. An
8 employer in any proceeding involving contribution rates or
9 liability may not contest benefits paid and charged to his
10 account in accordance with a determination, redetermination
11 or decision pursuant to W.S. 27-14-401 through 27-14-408
12 unless he was not a party to the proceeding. A denial or
13 redetermination is final unless within thirty (30) days
14 after notice is mailed a petition for judicial review is
15 filed in accordance with W.S. 27-3-407.

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17 **Section 2.** W.S. 27-3-602(a) by creating a new
18 paragraph (viii) and 27-14-201(a) are amended to read:

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20 **27-3-602. Powers and duties of unemployment insurance**
21 **commission; personnel.**

22

23 (a) The commission shall:

24

1 (viii) Review decisions or determinations
2 involving classification, contribution liability,
3 contribution rates or the charging of benefit payments made
4 pursuant to W.S. 27-14-201 through W.S. 27-14-208.

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6 **27-14-201. Rates and classifications; rate surcharge.**

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8 (a) The worker's compensation program shall be
9 neither more nor less than self-supporting. Employments
10 affected by this act shall be divided by the division into
11 classes, whose rates may be readjusted annually as the
12 division actuarially determines. ~~Any employer may contest~~
13 ~~his classification as determined by the division following~~
14 ~~the contested case provisions of the Wyoming Administrative~~
15 ~~Procedure Act except that the division shall carry the~~
16 ~~burden of proving that the classification is correct.~~
17 Information shall be kept of the amounts collected and
18 expended in each class for actuarially determining rates,
19 but for payment of compensation, the worker's compensation
20 account shall be one and indivisible.

21
22 **Section 3.** This act is effective July 1, 2003.

23
24 (END)