

HOUSE BILL NO. HB0053

Military department-discrimination or harassment grievances.

Sponsored by: Joint Transportation, Highways & Military
Affairs Interim Committee

A BILL

for

1 AN ACT relating to discrimination and harassment grievances
2 involving the Wyoming national guard or military department;
3 providing the Wyoming military department processes for
4 reporting discrimination and sexual harassment; requiring
5 agreements between the military department and the department
6 of workforce services; specifying duties and powers of the
7 department of workforce services and adjutant general;
8 authorizing a position; appropriating funds; requiring
9 rulemaking; and providing for effective dates.

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

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13 **Section 1.** W.S. 19-9-404 is created to read:

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1 **19-9-404. Complaints of wrongs; Uniform Code of**
2 **Military Justice Article 138-similar procedure.**

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4 Any member of the Wyoming national guard who believes the
5 member has been wronged by a commanding officer, and who,
6 upon due application to that commanding officer, is refused
7 redress may complain to any superior commissioned officer.
8 The superior commissioned officer shall forward the complaint
9 to the adjutant general. The adjutant general shall examine
10 the complaint and take proper measures for redressing the
11 wrong complained of and shall, as soon as possible, send to
12 the appropriate governor a true statement of that complaint,
13 with the measures taken to redress the complaint. The
14 provisions of this section may be exercised in addition to or
15 in lieu of the applicable procedures in
16 W.S. 19-7-103(b)(xxv).

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18 **Section 2.** W.S. 19-7-103(b) by creating a new paragraph
19 (xxv), 27-9-102(b) and 27-9-104(a)(v) and by creating a new
20 paragraph (viii) are amended to read:

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22 **19-7-103. Adjutant general; appointment; rank;**
23 **removal; duties and qualifications.**

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2 (b) The adjutant general of Wyoming shall have powers
3 and duties and be paid a salary as follows:

4

5 (xxv) He shall enter into agreements, exchange
6 information and otherwise assist the department of workforce
7 services to counsel, mediate, investigate and determine
8 claims by members of the Wyoming national guard and employees
9 of the military department under the federal laws enforced by
10 the equal employment opportunity commission or under W.S.
11 27-9-105, as applicable. He shall promulgate rules that
12 coordinate with the department of workforce services rules
13 promulgated under W.S. 27-9-104(a)(viii) to accomplish the
14 powers and duties in this paragraph and W.S.
15 27-9-104(a)(viii), consistent with equal employment
16 opportunity commission rules and requirements and federal
17 law. Nothing in this paragraph prevents a state employee of
18 the military department claiming to be aggrieved by an
19 employment practice specified as discriminatory or unfair in
20 W.S. 27-9-105 from filing with the department of workforce
21 services a complaint in accordance with W.S. 27-9-106.

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23 **27-9-102. Definitions.**

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2 (b) "Employer" shall mean the state of Wyoming or any
3 political subdivision or board, commission, department,
4 institution or school district thereof, and every other
5 person employing two (2) or more employees within the state;
6 but it does not mean religious organizations or associations.

7 "Employer" shall include those divisions of the Wyoming
8 military department that are authorized by federal authority.

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10 **27-9-104. Powers and duties of department of**
11 **employment.**

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13 (a) The department shall have the following powers and
14 duties:

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16 (v) For the purposes of all counseling, mediation
17 or investigations the department shall have the power to issue
18 subpoenas requiring the attendance and testimony of witnesses
19 and the production of any books, papers, documents or records
20 ~~which~~ that the department deems relevant or material to the
21 inquiry or determination;

22

1 (viii) To enter into agreements, exchange
2 information and otherwise assist the Wyoming military
3 department to counsel, mediate, investigate and determine
4 claims by members of the Wyoming national guard and employees
5 of the military department. As used in this paragraph,
6 "claims" means claims under this chapter or claims under the
7 federal laws enforced by the equal employment opportunity
8 commission, as applicable. The department shall promulgate
9 rules that coordinate with the military department rules
10 promulgated under W.S. 19-7-103(b)(xxv) to accomplish the
11 powers and duties in this paragraph and W.S.
12 19-7-103(b)(xxv), consistent with equal employment
13 opportunity commission rules and requirements and federal
14 law.

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16 **Section 3.** Not later than July 1, 2022, the military
17 department and the department of workforce services shall
18 each promulgate rules necessary to implement this act.

19
20 **Section 4.**

21
22 (a) There is appropriated two hundred twenty-six
23 thousand three hundred thirty-six dollars (\$226,336.00) from

1 the general fund to the department of workforce services for
2 salaries, benefits, training and any other necessary expenses
3 for implementing W.S. 19-7-103(b)(xxv) as created by this act
4 and the Wyoming Fair Employment Practices Act of 1965 as
5 amended by this act. This appropriation shall be for the
6 period beginning with the effective date of this section and
7 ending June 30, 2024. This appropriation shall not be
8 transferred or expended for any other purpose and any
9 unexpended, unobligated funds remaining from this
10 appropriation shall revert as provided by law on June 30,
11 2024.

12

13 (b) One (1) full-time equivalent position is authorized
14 to the department of workforce services to implement W.S.
15 19-7-103(b)(xxv) as created by this act and to implement the
16 Wyoming Fair Employment Practices Act of 1965 as amended by
17 this act. This position shall be authorized for the period
18 beginning with the effective date of this section and ending
19 June 30, 2024.

20

21 (c) It is the intent of the legislature that the
22 position authorized in this section and the funding provided
23 in this section shall be included in the department of

1 workforce services' standard budget for the immediately
2 succeeding fiscal biennium. The department of workforce
3 services may include in an exception budget request for the
4 2024 fiscal year such funds and positions as it determines
5 necessary to support the duties and responsibilities created
6 by this act.

7

8 **Section 5.**

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10 (a) Except as provided in subsection (b) of this
11 section, this act is effective immediately upon completion of
12 all acts necessary for a bill to become law as provided by
13 Article 4, Section 8 of the Wyoming Constitution.

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15 (b) Section 1 of this act is effective July 1, 2022.

16

17 (END)