

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO. [BILL NUMBER]

Wage equality-state employees and programs.

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

A BILL

for

1 AN ACT relating to employment; promoting wage equality in
2 state employment; requiring the consideration of wage
3 equality in state programs as specified; requiring the
4 reporting of wage information as specified; and providing for
5 an effective date.

6

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

8

9 **Section 1.** W.S. 9-2-1022(a) by creating a new paragraph
10 (xv) and (c) by creating a new paragraph (vii), 9-2-2609(b),
11 9-2-2611(h)(iii) by creating a new subparagraph (D) and by
12 renumbering subparagraphs (D) through (G) as (E) through (H),

1 9-12-105(a) by creating a new paragraph (x), (b)(ii), (c)(i)
 2 by creating a new subparagraph (D) and (d)(i)(E)(II) by
 3 creating a new subdivision (3) and renumbering subdivisions
 4 (3) and (4) as (4) and (5), 9-12-408(b) by creating a new
 5 paragraph (v), 9-12-1402(a) by creating a new paragraph
 6 (xiii) and 27-2-105(a)(i) are amended to read:

7

8 *****
 9 **STAFF COMMENT**
 10 To provide context, statutory provisions are
 11 included in this bill draft which will not appear
 12 in the final bill draft.
 13 *****
 14

15 **9-2-1022. Duties of department performed through human**
 16 **resources division.**

17

18 (a) Subject to subsection (b) of this section, the
 19 department through the human resources division shall:

20

21 (ii) Establish and administer a consistent,
 22 equitable and flexible compensation plan covering all agency
 23 employees;

24

25 (iii) Supervise employer-employee benefit plans
 26 not otherwise provided for by law;

1

2 (iv) Maintain an information roster on each
3 employee of the state specifying employee name, employing
4 agency, position classification, rate of compensation, job
5 title, position description and service tenure. The
6 information shall be available for inspection only as
7 provided by the Public Records Act;

8

9 (xv) Perform a biennial evaluation of employee
10 compensation to measure and promote compensation equity
11 between male and female employees.

12

13 (c) The state compensation plan shall provide for the
14 following procedures to establish and change individual pay
15 rates:

16

17 (i) Rates of pay shall be determined using
18 knowledge, skills, abilities, experience, responsibilities,
19 requirements to possess professional licenses, certifications
20 or registrations, and labor market conditions giving
21 consideration to salaries in the public and private sector in
22 the relevant labor market as determined by the division. Rates
23 of pay shall be based on a combination of achievement of

1 performance objectives, recognition of differences in job
2 content, acquisition and application of further knowledge,
3 skills and abilities;

4

5 (ii) General pay increases shall be only those
6 approved by the legislature;

7

8 (iii) Pay increases based on performance
9 appraisals shall be approved consistent with the performance
10 appraisal system;

11

12 (iv) Promotion pay increases may be approved when
13 an employee moves to a higher job grade;

14

15 (v) Longevity pay increases shall be approved at
16 a rate of forty dollars (\$40.00) per month for each five (5)
17 years of service. Longevity pay increases shall not be
18 considered as part of base pay;

19

20 (vi) Special pay increases may be approved by the
21 governor using available funds;

22

1 (vii) Pay rate adjustments to assure pay equity
2 between male and female employees when supported by an
3 evaluation conducted under paragraph (a)(xv) of this section.

4
5 **9-2-2609. Purpose.**

6
7 (a) The Wyoming Workforce Development-Priority Economic
8 Sector Partnership Act is created to meet the training needs
9 of existing businesses in the state and to provide incentives
10 to businesses to locate and expand within the state through
11 government assisted new jobs training.

12
13 (b) It is the intent of the legislature to provide
14 training funds to train and educate employees, which will
15 result in the production of high wage and high skilled jobs
16 that will increase the earning potential and employment
17 opportunities for Wyoming employees, reduce the wage gap
18 between male and female employees and enhance and diversify
19 the state's economy.

20
21 **9-2-2611. Priority economic sector business workforce**
22 **training programs; eligibility.**

23

1 (h) The funding application, at a minimum, shall
2 contain:

3
4 (i) A business plan containing information that is
5 sufficient for the department to obtain an adequate
6 understanding of the business to be assisted, including the
7 products or services offered, estimated market potential,
8 management experience of principals, current financial
9 position, and details of the proposed venture. In lieu of a
10 business plan, the department may consider a copy of the
11 current loan application to entities such as the federal
12 business and industry guarantee program or the small business
13 administration;

14
15 (iii) A hiring and training plan, which shall
16 include:

17
18 (A) A breakdown of the jobs to be created or
19 retained, including the number and type of jobs that are
20 full-time, part-time, skilled, semiskilled or unskilled
21 positions;

22

1 (B) A timetable for creating the positions
2 and the total number of employees to be hired;

3

4 (C) An assurance that the business will
5 comply with equal opportunity and nondiscrimination laws;

6

7 (D) Procedures for ensuring pay equity
8 between male and female employees;

9

10 ~~(D)~~ (E) Procedures for outreach, recruitment,
11 screening, training and placement of employees;

12

13 ~~(E)~~ (F) A description of the training
14 curriculum and resources;

15

16 ~~(F)~~ (G) Written commitments from any agency
17 or organization participating in the implementation of the
18 hiring plan; and

19

20 ~~(G)~~ (H) A description of the type and method
21 of training to be provided to employees, the starting wage
22 and wages to be paid after training for each position, the

1 job benefits to be paid or provided, and any payment to
2 eligible training providers.

3

4 **9-12-105. Economic development services.**

5

6 (a) It shall be the duty of the council to encourage,
7 stimulate and support the development and expansion of the
8 economy of the state. The council is charged with the
9 following duties and responsibilities:

10

11 (x) To encourage new and existing businesses to
12 employ best practices to reduce the wage gap between men and
13 women in the state.

14

15 (b) The council, in consultation with the coordinator
16 of economic diversification, shall implement the
17 "startup:Wyoming" program in priority economic sectors
18 identified in the approved twenty (20) year comprehensive
19 economic diversification strategy under W.S. 9-12-
20 1402(a)(iv). The program shall:

21

22 (ii) Provide entrepreneurs with advanced resources
23 to help their business succeed, including mentoring,

1 marketing, legal and other business coaching services and
2 resources to help ensure pay equity between male and female
3 employees;

4
5 (c) The council shall administer a "kickstart:Wyoming"
6 program to provide funding to early stage ventures of Wyoming
7 based entrepreneurs. Funding under this subsection shall be
8 provided upon approval of the council. The council shall
9 adopt rules for funding under this subsection in consultation
10 with the coordinator of economic diversification. Funding
11 shall be in amounts ranging from five thousand dollars
12 (\$5,000.00) to fifty thousand dollars (\$50,000.00) and be
13 provided under the following conditions:

14
15 (i) To individuals who reside in Wyoming and to
16 business entities which are, or agree in writing to be,
17 headquartered in Wyoming and organized under the laws of the
18 state of Wyoming and which:

19
20 (A) Have committed to maintaining a
21 meaningful nexus to the state of Wyoming, including after
22 commercialization of a service, product, concept, design or

1 any other marketable asset developed with the assistance of
2 the funds;

3

4 (B) Proposes a service, product, concept,
5 design or any other marketable asset which has a probability
6 of providing an economic return to the state of Wyoming
7 through creation of jobs, expanded tax base and
8 diversification of the state's economy;

9

10 (C) Agree to provide a report to the council
11 on the progress to commercialize the service, product,
12 concept, design or any other marketable asset developed with
13 the assistance of the funds.

14

15 (D) Have committed to efforts to reduce the
16 wage gap between male and female employees.

17

18 (d) The council shall administer a small business
19 innovation research matching program in accordance with this
20 subsection. The program shall match federal funds approved
21 for Wyoming based companies as provided in this subsection.
22 The program shall be administered by the council in
23 consultation with the University of Wyoming research office.

1 The following shall apply to the program under this
2 subsection:

3

4 (i) To be eligible to receive funding, an entity
5 shall:

6

7 (C) Have received funding under the federal
8 small business innovation research and small business
9 technology transfer programs;

10

11 (E) Agree to provide a report to the council
12 on or before July 1 of each year in the following manner:

13

14 (I) Prior to commercialization, the
15 entity shall report on the progress of the entity to
16 commercialize the service, product, concept, design or any
17 other marketable asset developed with the assistance of funds
18 from this program;

19

20 (II) If the entity commercializes a
21 service, product, concept, design or any other marketable
22 asset, and continues to market the product, concept or design
23 or asset, the entity shall report for three (3) years on:

1

2

3

(1) The number of jobs the entity
has created;

4

5

6

(2) A salary range per job;

7

8

9

(3) The wage differential between
men and women for each job category and efforts to reduce any
wage gap;

10

11

12

~~(3)-(4)~~ The taxable assets of the
entity;

13

14

15

16

~~(4)-(5)~~ All revenues from sales of
the service, product, concept, design or any other marketable
asset of the entity.

17

18

19

**9-12-408. Wyoming research and innovation program fund
created; authorized expenditures from the fund; rulemaking.**

20

21

22

23

(b) The Wyoming business council, in consultation with
the ENDOW executive council and the University of Wyoming
shall promulgate rules necessary to carry out the provisions

1 of this section. The rules shall include but not be limited
2 to application procedures, eligibility requirements, the
3 amount of funding which may be provided for any single
4 project, provision for ensuring adequate consideration to the
5 state in exchange for funding any project which does not
6 solely involve a state agency or institution or political
7 subdivision of the state, recapture of funding if the
8 recipient of funds breaches any agreement under the program
9 and prioritization for funding requests. In establishing
10 provisions for adequate consideration to the state, the
11 council may include, but is not limited to, assessment of the
12 following:

13

14 (i) The potential for the creation of a
15 high-growth company and number of new jobs created;

16

17 (ii) The amount of nonstate or private financing
18 leveraged to be used by the business in Wyoming;

19

20 (iii) Potential increase in Wyoming based patents;

21

1 (iv) Increase in Wyoming higher education
2 institutions' capacity to respond to new research
3 developments.

4
5 (v) The potential to reduce the wage gap between
6 male and female employees.

7
8 **9-12-1402. General powers and duties of the council;**
9 **economic diversification policy and strategy; authority of**
10 **governor.**

11
12 (a) The ENDOW executive council shall:

13
14 (xiii) In consultation with the department of
15 workforce services, the business council and other
16 appropriate entities, develop recommendations to reduce the
17 wage gap between male and female employees by reviewing
18 existing data and programs that address the gap and by
19 studying the impact and ability of economic diversification
20 efforts to reduce the wage gap. The recommendations shall be
21 incorporated into the executive council's comprehensive
22 economic diversification strategy and four year action plans
23 as determined appropriate by the executive council.

1

2 **27-2-105. Report to governor; statistics and**
3 **information required.**

4

5 (a) The department of workforce services shall collect,
6 classify, have printed and submit to the governor in its
7 annual report the following statistics:

8

9 (i) The hours of labor and number of ~~sex-engaged~~
10 ~~in manual labor~~ persons of each gender engaged in each
11 occupation;

12

13 **Section 2.** This act is effective July 1, 2019.

14

15

(END)