

Department of Employment

Mission and philosophy

The mission of the Department of Employment is to provide information and quality services that promote economic security, fair employment and a safe work environment for our customers.

Results of outcomes

See specific division reports for outcomes.

Strategic plan changes

No changes were made to the strategic plan for the period July 1, 2003 through June 30, 2004.

General information

Cynthia Pomeroy, Director

Agency contact

Patti Merchant
Cheyenne Business Center
1510 E. Pershing, 2nd Floor
Cheyenne, WY 82002
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307/777-7672

Other locations

Statewide - see division reports

Year established

1990

Statutory references

W.S. 9-2-2002, and 27-2-104 through W.S. 27-2-113

Number of authorized personnel

Executive staff - 3 full-time

Clients served

Wyoming employers, labor force

Budget information

General fund	\$225,061
Total	\$225,061

Administration and Support Division

General information

Charles Rando, Administrator

Agency contact

Charles Rando
Cheyenne Business Center
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307/777-7672

Other locations:

Labor Standards - Casper

Year established and reorganized

Fiscal/HR established 1990
Labor Standards established 1917, reorganized 1990

Statutory references

W.S. 9-2-2002 and 27-2-104 through 27-2-113
W.S. 27-4-101 through 27-4-508, 27-5-101 through 27-5-110, 27-6-101 through 27-6-116, 27-7-101 through 27-7-115, 27-8-101 through 27-8-111, 27-9-101 through 27-9-108, and 16-6-101 through 16-6-206

Authorized personnel

Fiscal/HR - 6 full-time
Labor Standards - 12 full-time

Organizational structure

The Division consists of two programs, Fiscal/HR and Labor Standards

Budget information

Fiscal/HR - General Funds	\$267,548
Labor Standards - General Funds	\$618,922
Labor Standards - Federal Funds.....	\$96,269
Total.....	\$982,739

Results of outcomes

The fiscal/human resources unit, through its activities, supports all the department's goals and objectives along with coordinating the measurements of the agency's strategic plan. The objective of Labor Standards is to provide efficient and fair enforcement of state labor laws. In meeting its objective, Labor Standards has established criteria in which to complete investigations and close cases involving fair employment complaints and wage and hour claims. For the reporting period of July 1, 2003 through June 30, 2004, 61 fair employment cases were closed, 44 of which

or 72.1 percent were closed within 200 days or less from the date the complaint was initially filed. For the same time period, there were 1,098 wage claims closed. Of the 1,098 claims closed, 813 or 74 percent were closed within 60 days or less from the date they were opened. These percentages are somewhat less than the 75 percent Labor Standards strives to achieve.

Employment Tax Division

General information

Wendy Tyson, Administrator

Agency contact

Wendy Tyson
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1510 E. Pershing, 2nd Floor
Cheyenne, WY 82002
or
P. O. Box 2760
Casper, WY 82602-2760
307/ 777-7471
307/ 235-3201

Other locations

Cody, Gillette, Jackson, Lander, Riverton, and Rock Springs

Year established and reorganized

Workers' Compensation established 1913;
Unemployment Insurance established 1937;
reorganized 2000.

Statutory references

Wyoming Constitution, Article 10, Section 4 Workers' Compensation, W.S. 27-14-101 through 27-14-805; Unemployment Insurance W.S. 27-3-101 through W. S. 27-3-705; Internal Revenue Code Provisions, Ch. 23 Federal Unemployment Tax Act; Social Security Act, as amended, 42 U.S.C. §301 et seq.

Authorized personnel

61 full-time, 3 part-time

Organizational structure

Unemployment Insurance Employer Services, Workers' Compensation Employer Services, Field Compliance and Auditing, Research and Planning.

Clients served

Employers, general public, state agencies, counties, towns, economic development organizations, federal reserve, congress, federal executive branch agencies.

Budget information

Expenditures:	
Fund 001 Federal Funds	\$1,681,806
Other Funds	\$3,686,232
Total	\$5,368,038

Results of outcomes

Workers' compensation premium rates are established based on actuarial analysis. The annual workers' compensation premium collected is predicted to result in the division meeting the statutory requirement of solvency for the Workers' Compensation (WC) program by 2008. The Industrial Accident Fund balance as of June 30, 2004, was \$483.7 million, up from \$432 million for FY03. The Industrial Accident Fund includes reserves for unfunded liabilities.

During FY04, the division was able to enforce case cost liability on employers with workers' compensation delinquencies. From November 2003 through June 30, 2004, \$86,347.24 was collected on case cost liabilities. Collection activities on delinquent premiums and related interest due were enhanced. At the end of FY04, the amount of delinquent workers' compensation employer premiums was \$2.2 million, a 5 percent increase from FY03.

To foster the solvency of the unemployment insurance fund, the Employment Tax Division (ETD) maintained an actuarially based employer rate system. The Unemployment Insurance (UI) Trust Fund balance as of June 30, 2004, was \$166.5 million, and the state UI Trust Fund balance was \$33.1 million, for a total of \$199.6 million. The UI Trust Fund was at 3.83 percent of total state coverage wages, short of the objective of 4 percent and down from prior years due to three full years of legislatively mandated one-time tax rate reductions. The legislature changed the minimum UI Trust Fund balance from 4 percent to 3.5 percent in 2003.

To maintain the solvency of the UI Trust Fund, the ETD actively pursued collection activities on delinquent accounts. Collection activities included the filing of 505 liens and the approval of 13 unemployment insurance installment payment agreements. Workers' Compensation Statutes do not allow for payment options on delinquent employers.

Through the joint unemployment insurance/workers' compensation audit program, five auditors performed 404 audits and collected \$16,175 for UI and \$107,645.65 for WC. Two experienced auditors retired during FY04, creating a replacement and training issue. An audit in Cheyenne was particularly difficult, requiring the auditor to spend time in depositions and hearings. Both of these issues affected the total number of completed audits.

To aid in maintaining the solvency of the UI Trust Fund, telephone access to tax information has been provided to employers. During FY04, employers requested one letter of good standing, one registration form, filed

805 no-worker reports and responded to one request for the number of workers per month. Over time, fewer employers used telephone access as a means of obtaining or filing information than previous years.

To offset the reduction in the use of telephone access for employer services, the division provided Internet access and filing options. During FY04, employers requested 5,382 joint letters of good standing, 37 workers' compensation extraterritorial coverage notices, 121 extra employee wage listing forms and 754 requests for employment posters.

During FY04, employers filed 9,914 summary reports and 247,736 employee wage records using WIRE (Wyoming Internet Reporting for Employers). By the second quarter of 2004, 20 percent of active registered employers used WIRE to file. 33 percent of the expected employee wage records were filed by WIRE for the same quarter. Due to complications with the bank that handles UI deposits, electronic tax payment processes were not developed. Staff continue to look at alternative options to offer EFT payments.

At June 30, 2004, the amount of delinquent unemployment insurance employer taxes due was \$3.2 million, which included computer-generated jeopardy assessments of \$1.4 million on employers who had not provided wage information. As of June 30, 2003, the amount of unemployment insurance employer taxes due was \$3.2 million, which included computer-generated jeopardy assessments of \$1.9 million. Removing jeopardy assessments from the formula, the actual unemployment insurance accounts receivable increased by 38 percent during FY04. The percent of delinquent UI employer taxes in relationship to total UI employer taxes due was reduced by 2 percent during FY04. The division's field staff is responsible for the collection of both unemployment insurance and workers' compensation delinquencies. There were two vacant collection positions in the field. One position was vacated in January and the other in April and both remain vacant. This has impacted the effectiveness of collection staff.

To provide labor market information to individuals, businesses, education, labor and governmental entities, about 36 publications were made available through the Internet and in hard copy. Approximately 1,500 hard copies of the monthly publication, Wyoming Labor Force Trends, are distributed each month.

R&P has responded to requests and needs of Labor Market Information (LMI) customers. Research was conducted for the Nursing Board and the Health Commission and is ongoing at this time. Both of these projects provided valuable information on the current health insurance and provider issues affecting Wyoming.

UI Reed Act monies were used to purchase the basis for a LMI program, ANSWERS (A National and State Workforce and Employment Research System) and programming was started to implement this program for Wyoming. ANSWERS is expected to be live by December 31, 2004.

Mine Inspector

General information

Donald G. Stauffenberg, State Mine Inspector

Agency contact

Donald G. Stauffenberg
P.O. Box 1094
Rock Springs, WY 82902
dstauf@state.w.us
307/362-5222

Other locations

Gillette and Worland

Year established and reorganized

Established 1891; reorganized 1990

Statutory references

Wyoming Constitution, Article 9, Section 1, W.S. § 30-2-101 through 30-2-607, and W.S. § 30-3-101 through 30-3-509.

Authorized personnel

6 full-time

Clients served

All mining operations and mine site contractors in Wyoming.

Budget information

Enterprise Fund.....	\$495,771
Total.....	\$495,771

Results of outcomes

The number of accidents was reduced by 22.4 percent when compared to the last reporting period. The frequency of injuries was reduced by 23.7 percent when compared to the last reporting period.

The division inspected 100 percent of the mines and mine reclamation sites that it knew to be active during FY04. The division inspected 319 mines and mine site contractors during the year and performed 664 unannounced inspections during the year. There were 46 additional sites that were checked for mining activity.

The division administrator held two training sessions during the year. The staff attended six other training classes, at different times, throughout the year. All requests for compliance assistance were addressed.

The division sent out 307 surveys of which 100 were returned. The division administrator reviews each survey that is returned and makes follow-up phone calls to the companies that have complaints. The inspector who performed the inspection reviews the survey. The administrator promptly discusses, with the inspector who performed

the inspection, any survey that contains complaints. None of the people who returned the surveys expressed dissatisfaction with the agency's services

Wyoming Mining Council

General information

Donald G. Stauffenberg, State Mine Inspector

Agency contact

Donald G. Stauffenberg
P.O. Box 1094
Rock Springs, WY 82902
dstauf@state.wy.us
307/362-5222

Year established and reorganized

Established 1925; reorganized 1990

Statutory references

W.S. § 30-2-301 through 30-2-312

Number of authorized personnel

None

Clients served

All mining operations and mine site contractors in Wyoming

Budget information

Enterprise Fund	\$26,384
Total	\$26,384

Agency to which group reports

Department of Employment

Number of members

10

Meeting frequency

Quarterly

Results of outcomes

The Wyoming Mining Council tested 116 mine foreman applicants and 27 mine examiner applicants. The council certified 101 mine foreman applicants and 26 mine examiner applicants

Unemployment Insurance Division

General information

Ellen Schreiner, Administrator

Agency contact

Ellen Schreiner, Administrator
 P.O. Box 2760
 Casper, WY 82602-2760
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 307/235-3253

Other locations

Adjudicators and investigative staff are in Cheyenne, Cody, Gillette, Riverton, Rock Springs and Torrington

Year established and reorganized

Established 1937; reorganized 1990, 1993, 2000 and 2003

Statutory references

W.S. 27-3-101 through 27-3-705; Social Security Act, as amended, 42 U.S.C. §§ 301 et seq.; Internal Revenue Code Provisions – Chapter 23, Federal Unemployment Tax Act; Trade Act of 1974 Enacted by the Trade Act of 2002 (TRA); and Robert T. Stafford Disaster Relief & Emergency Assistance Act (DUA); TEUC Act of 2002 (P.L. 108-11).

Authorized personnel

85 Full-Time, 8 Part-Time

Organizational structure

Unemployment Insurance Benefits which includes Claims Center, Special Programs, Overpayments & Fraud, Management Support, Benefit Accuracy Measurement, Appeals, Legal, IT Support, IT Development, and Fiscal & Administration

Clients served

Public, employers, unemployed workers, state agencies and federal executive branch agencies

Budget information

Fund 001 Federal Funds	\$5,152,187.01
Other Funds	\$1,188,185.88
Fund 501 Other Funds.....	\$176,409.31
Total.....	\$6,516,782.20

Results of outcomes

Wyoming Unemployment Insurance (UI) claimants can file for initial unemployment benefits by telephone, in person, or by the Internet. Interstate claimants can file by

telephone or by the Internet. During the year, 85 percent of Wyoming initial claims were filed by telephone, 15 percent by Internet, with just a few claims now taken in-person or by mail. The claims center in Casper completed processing 100 percent of the initial claims. During FY04, the division processed 26,531 UI initial claims and 1,947 Temporary Extended Unemployment Claims (TEUC) claims. The TEUC program was 100 percent paid by the federal government, and paid extended weeks to UI claimants.

Weekly claims can be filed by telephone or by mail. Approximately 80 percent of these are now filed by telephone, and all were processed through the claims center.

To meet the federal standards on providing proper benefit payments to eligible workers who file UI claims, the division operated a quality system for the payment of unemployment benefits. The division made 92.9 percent of combined intra- and interstate payments within 21 days of the first compensable week. This outcome met the 90 percent target within the strategic plan. Due to a legislative change which removed the waiting week, the measurement changed from 14 days to 21 days.

The division also operated a quality system for the adjudication of non-monetary issues. During FY04, 13,981 non-monetary determinations were resolved within the federal guidelines. These determinations were resolved with an average quality score of 91.2 percent on 75 percent of the determinations reviewed each quarter.

The division operated a required UI appeals program with two levels of administrative hearings. During FY 04, 1,923 UI appeal and commission decisions were issued and 89 percent were issued within 30 days. This exceeds the federal timeliness standard of 60 percent. The June 2004 quarterly results are not available yet, but for the first three quarters, 80 percent of lower authority appeals had a quality score averaging 93 percent. This is higher than the outcome goal of 85 percent.

The three-member UI Commission reports to the division and meets once a month in Casper to hear the higher level appeals. Commission members are appointed by the Governor.

To measure accuracy of unemployment payments, the division operated a quality control program. During FY 04, 371 quality control paid benefit claims were selected for audit, and this number gives a 95 percent confidence interval. In August 2001, a new program to measure denied claims was implemented. Under this program 453 additional cases were reviewed. This is a total of 824 cases reviewed for the year. The net percent of sample dollars overpaid during this period was 13.6 percent.

In FY 04 the division recovered \$404,218 in overpaid benefits, which amounts to a 5.8 percent decrease from the \$429,291 recovered in FY 03. This is attributable to an improvement in Wyoming's economy which results in fewer UI claims. When fewer claims are filed less money is recovered by offsetting against benefits. Offsetting is the

division's major collection tool.

In the UI Division, customer service surveys continue to measure UI service. Current response rates average approximately 33 percent for UI claimants and employers. Claimants that file their claim via the Internet also have the option of completing a survey on-line. Quarterly results of all the survey results are distributed throughout the division for continuous improvement.

Continuous training of staff continues to be an important goal for the division. During FY04, 80 staff members received specialized training, and 12 IT staff received upgrading training during the year.

To foster the solvency of the UI fund, the Unemployment Insurance Division maintained an actuarially based employer rate system. The Unemployment Insurance Trust Fund (UITF) balance as of June 30, 2004 was \$166.5 million, and the balance in the state UITF (established under W. S. 27-3-209) balance was \$33.1 million, for a total of \$199.6 million.

Workers' Safety and Compensation Division

General information

Gary W. Child, Administrator

Agency contact

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 307/777-7159

Other locations

Casper, Cody, Gillette, Lander, Laramie, Rock Springs and Sheridan

Year established and reorganized

Workers' Compensation established 1913; reorganized 1990

Workers' Safety established 1970; reorganized 1990

Statutory references

Wyoming Constitution, Article 10, Section 4 Workers' Compensation, W.S. 27-14-101 through 27-14-805
 Workers' Safety, W.S. 27-11-101 through 27-11-114

Authorized personnel

115

Organizational structure

In addition to administration, the Workers' Safety and Compensation Division (WSCD) is composed of eight

operating units: Administrative and Fiscal Support, Business Projects, Case Support Services, Claims, Information Technology, Internal Audit and Compliance, Occupational Safety and Health (OSHA), and Training. The Office of the Medical Commission is considered an independent entity although it is funded by the division and is organizationally located within the division. Additional legal support is provided to the Workers' Compensation Division through the Attorney General's Office, W.S. 27-14-602(c), and the Office of Administrative Hearings, W.S. 27-14-602(a).

Clients served

Workers' Safety and Compensation clients include workers injured in the course of their employment with covered employers, required coverage employers, those employers who elect coverage for their non-extra hazardous employees, and employers that fall under Occupational Safety and Health Regulations programs.

Budget information

Administrative costs	\$15,547,626
Claims costs	\$115,644,946
Safety costs	\$1,796,198
Total	\$132,988,770

Results of outcomes

The mission statement for the Wyoming Department of Employment emphasizes the delivery of quality services to agency customers, a philosophy practiced by the division. In order to evaluate the level of customer satisfaction experienced by injured workers who received workers' compensation benefits from the division during FY04, the claims unit mailed 3,600 customer service questionnaires to injured workers and received 1,019 claimant's responses. Of those responding, 88.3 percent reported they were satisfied with the Workers' Safety and Compensation Division's (WSCD) service.

The Division's primary goal in the strategic plan is to ensure the prompt and accurate payment of benefits and maintain a solvent workers' compensation trust fund. The objective to meet this goal is to schedule 75 percent of temporary total disability (TTD) payments within 14 days of the notice of lost time. The results for FY04 indicate that the division scheduled 2,363 TTD payments out of 2,751 payments (85.89 percent) within 14 days of the TTD application receipt date.

To enhance training, educational and outreach services for high-risk employers to reduce the incidence and severity of injuries, Occupational Safety and Health (OSHA) staff conducted five Management Excellence Seminars, seven three-day Collateral Duty-Health and Safety Programs, 44 Construction Safety Programs and 33 other general training seminars. There were 2,064 participants in these courses, representing 553 employers. Employers were

provided with incentives, including the use of penalty reductions, to encourage the reduction of accidents and injuries. In the three Consultation Exemption/Recognition Programs, a total of 131 employers were enrolled; three in the Voluntary Protection Program (VPP), 47 in the Safety and Health Achievement Recognition Program (SHARP), and 81 in the Employer Voluntary Technical Assistance Program (EVTAP); 23 employers opted for the 75/25 Plan, 191 received penalty reduction for rapid abatement of hazards, and 1,282 were in the safety discount program. Data is not yet available to allow assessment for outcome purposes, which is targeted at reducing the claims injury rate for employers provided full-service consultation visits and programmed inspections. Analysis is predicated on information from the 12-month period prior to intervention, compared to the period 12 months post intervention. Hence, all necessary data is not yet available, thereby precluding the ability to provide comprehensive quantifiable findings at this time.

Providing quality services to customers through technology and skilled staff is another Departmental goal. To support the Department's information technology infrastructure to timely and accurately provide services to customers, the Division had committed to increase the percent of injury reports received electronically. Investigation and discussions with appropriate entities have determined that digital signature technology is currently cost prohibitive and hence, electronic reporting has not been implemented. Alternative business solutions are being evaluated presently and will be aggressively pursued as appropriate.

Department of Employment organization chart

