

# The Quarterly Connection

**YOUR LINK TO THE MOST CURRENT INFORMATION REGARDING UNEMPLOYMENT INSURANCE, WORKERS' COMPENSATION, and LABOR MARKET INFORMATION**

**Note:** Throughout this newsletter, "UI" refers to "Unemployment Insurance" and "WC" refers to "Workers' Compensation."

## New UI Tax Deputy Administrator Acquiring Another Business?

On January 3, 2012, the UI Tax Team welcomed Rich Vincent as the new Deputy Administrator. Rich comes to us from South Dakota where he worked with the Department of Labor managing their UI call center. He also worked extensively with employment services and was the executive director of a non-profit training firm.

Employers are required to notify the Department when they acquire the trade, organization, business or substantially all the assets of another employer. The transfer of some or all of an employer's workforce to another person is considered a transfer of trade or business under certain circumstances. The UI and WC tax rates, high or low, of the acquired business will become your rate or be merged with your existing rate in an acquisition.



## Reminder to Contractors

Prime or general contractors can be held liable for unpaid UI and WC taxes of a subcontractor. Statutes require a prime or general contractor to secure certification stating the subcontractor is in good standing for both UI and WC when a contract is awarded or before permitting a subcontractor to work. As the construction season approaches, it is recommended that you request a certificate of good standing from every subcontractor on every project. Certificates can be requested online at: <https://doe.state.wy.us/cert>.

If you are concerned about what affect an acquisition can have on your business, we recommend you ask the seller to provide you with a copy of their tax rate notices as well as a certificate of good standing to verify the status of their account.



**Free**

OSHA 10-Hour Construction training class presented by Wyoming OSHA in Casper on April 17-18. Call 307-777-7786 for more information and register.

The WC Corporate rate Officer/LLC Member Average Wage per quarter for 2012 is \$10,601.49

**File Electronically** Have you used WIRE (Wyoming Internet Reporting for Employers) to file your UI/WC yet? If not, the first quarter of the year is a great time to start. WIRE computes excess wages for you, eliminates the need to mail the paper forms, calculates WC

officer coverage, and allows payments to be submitted electronically.

The UI Taxable Wage Base for 2012 is \$23,000.00



Research & Planning Wyoming DWS

Wyoming is one of only 20 states that hasn't had to borrow money from the federal government to keep its Unemployment Insurance (UI) trust fund solvent as a result of the current economic downturn. However, it's important to look at the state's current situation to assess future UI trust fund liability. The article, "An Overview of Wyoming's Unemployment Trust Fund and Trust Fund Liability" in the November issue of *Wyoming Labor Force Trends* provides a review of the state's UI trust fund from 1978 to 2010, and looks at possible liability under several scenarios. The article is available online at <http://doe.state.wy.us/LMI/trends/1111/a1.htm>. For all of your labor market information needs, see the Research & Planning website at <http://doe.state.wy.us/LMI>.

# Work Refusal can affect your Unemployment Insurance Tax Rate



## WIRE TIP

If you have never used WIRE before and plan to begin using the site, plan ahead. Employers who can provide all their account numbers (UI, WC and FEIN) and last

payment amount will be able to establish a WIRE account and begin filing the same day. In cases where an employer has not made a payment or they cannot provide the last payment amount, the Division will mail a temporary password to the employer's address of record. Planning ahead allows time for the temporary password to be delivered.

WIRE passwords have very specific requirements, so choose your password carefully. The password must be at least nine characters long, contain an upper case letter, a lower case letter, a number and a symbol. In addition to the password, the system requires a login ID. When you establish your account, you will be given the choice of one of your account numbers (UI, WC or FEIN) as your ongoing login ID.



as your ongoing login ID.

You must notify Employer Services in writing of ANY status changes. See the enclosed "Notice of Change."

Claimants must be eligible for each week filed for Unemployment Insurance (UI) Benefits, which includes accepting suitable work when an offer is made. Please be aware if you have job attached employees, they must report to work if you recall them. Refusal to show up may constitute work refusal and can disqualify them from further UI Benefits. Please call the UI Benefits Help Line at 307-235-3264 if a job attached employee refuses to come to work or is a no-show.

In order to be job attached, a claimant who lives in Wyoming must be returning to work:

- ◆ Within twelve (12) weeks from the effective date of the claim, full-time or for the same number of hours worked in the base period
- ◆ The employer must have paid at least fifty percent (50%) of the base period wages

Job attached status must be determined by the UI Division and will be verified with the employer.

After twelve (12) weeks, if the claimant has not been recalled, notice is given to the claimant that they must register for work and actively seek work; two (2) verifiable work search contacts per week.

Also if you offer a job to an individual who is filing for UI Benefits and the individual refuses the job offer or is a no-show, the individual may be disqualified for not accepting suitable work. Again, please call the Benefits Help Line at 307-235-3264 to provide this information.

## Misclassification of Workers

As a result of unemployment benefit claims, it has come to the Division's attention that a number of employers have misclassified individuals as "contract labor" or "independent contractors."

UI & WC Statutes (UI 27-3-104(b), WC 27-14-102(a)(xxiii)) define an "independent contractor" as an individual who performs services for remuneration and is:

- 1) Free from control or direction over the details of the performance of services by contract and by fact.
  - 2) Represents his services to the public as a self-employed individual or an independent contractor; and,
  - 3) May substitute another person to perform his services.
- The individual must meet all three requirements to be considered independent. In many cases, these individuals were actually employees for UI purposes. Determinations regarding an individual's status as an employee or "independent contractor" are made by UI/WC staff, either during audits of an employer's records or if a benefit claim is filed by an individual for whom wages were not reported by the employer. The determinations of UI/WC staff can be appealed by either the employer or claimant.

Reports **MUST** be filed on WIRE or Division provided Original Forms

**SUBSTITUTE, PHOTOCOPIED or FAXED FORMS WILL BE RETURNED**

To obtain blank reporting forms (Summary and/or Employee Wage Listings), contact us at:

fax 307-235-3278  
or call 307-235-3217  
or <http://doe.wyo.gov>

**NEW HIRE REPORTING**

Mail:  
PO Box 1408  
Cheyenne, WY 82003

[www.wy-newhire.com](http://www.wy-newhire.com)

or 1-800-970-9258  
FAX 1-800-921-9651

**NOTE:** The New Hire report is *separate* from the report to the Department of Workforce Services. This reporting requirement is not applicable to H2A Agricultural employees without valid SSNs.