

PUBLIC NOTICE OF PROPOSED CHANGES TO THE DEPARTMENT OF WORKFORCE SERVICES, DIVISION OF UNEMPLOYMENT INSURANCE REGULAR RULES

PUBLIC NOTICE IS HEREBY GIVEN that the Wyoming Unemployment Insurance Division is proposing a new regular rule, Chapter 37 – COVID-19 Public Health Emergency Provisions. This was previously an emergency rule that is now being updated to a regular rule. The Unemployment Insurance Commission has the authority to adopt rules necessary for the administration of the Wyoming Employment Security Act under Wyo. Stat. § 27-3-602(a)(i) and (b).

These rules are intended to address urgent issues created by the COVID-19 public health emergency by strengthening access to unemployment insurance compensation and providing flexibility to the Agency in awarding benefits while also satisfying key provisions of both the Families First Coronavirus Response Act (Pub. L. 116-127) and the Coronavirus Aid, Relief and Economic Security Act (CARES Act, Pub. L. 116-136). Additionally, certain federal legislation makes emergency supplemental appropriations in response to the spread of COVID-19 to states that meet certain requirements, including provisions identified as the Emergency Unemployment Insurance Stabilization and Access Act (EUISAA) of 2020. The EUISAA requires states to take steps to ease eligibility requirements and access to unemployment compensation for claimants. (42 U.S.C. 1103(h)(3)(B)).

Section 1 is an exercise of the Commission's statutory authority under Wyoming Statute §27-3-306(b) to pass regulations to waive certain requirements of Wyoming Statute §27-3-306(a) in situations where the applicability of the eligibility requirements would be inconsistent with the requirements of the Wyoming Employment Security Act. This section provides for an extended period of job attachment in which claimants directly impacted by the COVID-19 virus could maintain benefit eligibility beyond the currently allowed 12-week period without being required to register for work with the Division. Section 1 also contains reporting requirements for claimants and objection rights for employers related to this extended period of job attachment.

Section 2 exercises the Commission's statutory authority under Wyoming Statute §27-3-306(b) to pass regulations to waive certain requirements of Wyoming Statute §27-3-306(a) in situations where the applicability of the eligibility requirements would be inconsistent with the requirements of the Wyoming Employment Security Act. This section waives the requirements that a claimant actively seek work and be able and available for work for any week in which the claimant has been personally ordered or instructed by a public official having jurisdiction or a health care provider to self-isolate or quarantine as a result of exposure to the COVID-19 virus. It does not alleviate claimants not ordered to self-isolate from searching for or accepting offers of suitable work. Section 2 also contains reporting requirements claimants will be expected to satisfy to maintain eligibility for the waiver provided by the Section.

Section 3 exercises the Commission's statutory authority under Wyoming Statute §27-3-502(c) to prescribe information to be contained in the records of employing units. This section requires employing units to provide individual notice at the time of separation to employees who separate from their jobs, for any reason, of the potential availability of unemployment compensation and to keep an adequate record that the notice was provided. Section 3 makes the record of such notice a requirement for employer compliance with the Wyoming Employment Security Act, and includes the notice among the documents which employers must produce for inspection at the request of the Unemployment Insurance Division.

Written comments should be submitted to the following address by **December 29, 2020**.

Unemployment Insurance Division
ATTN: Ashley Moore
100 W Midwest Ave.
Casper, WY 82601
(307) 235-3267

Or via email to: Ashley.Moore@wyo.gov

A public comment period will end at close of business on **December 29, 2020**.

Copies may be obtained by submitting a written request to the Division, with pre-payment by personal check or money order for the total number of copies requested; the fee for each copy is \$4.00. The proposed rules may be downloaded, free of charge, from the Department of Workforce Services (DWS) at:

<http://www.wyomingworkforce.org/news/publicnotices/>