

HOUSE BILL NO. HB0049

Unemployment compensation exemption-seasonal employment.

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

A BILL

for

1 AN ACT relating to labor and employment; authorizing an  
2 employer to exempt specified seasonal employees from  
3 coverage under the unemployment compensation system;  
4 requiring notice of an exemption; requiring the  
5 promulgation of rules; providing a definition; making  
6 conforming amendments; and providing for effective dates.

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

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10 **Section 1.** W.S. 27-3-110 is created to read:

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12 **27-3-110. Exemption for seasonal employment; notice;**  
13 **promulgation of rules; definition.**

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1           (a) An employer may apply to the department to  
2 designate a position of employment or job classification  
3 that is exclusively used for seasonal employment as exempt  
4 from coverage under this chapter, subject to the  
5 notification requirements in subsection (b) of this  
6 section. The department shall approve designations that  
7 comply with applicable federal and state law.

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9           (b) An employer shall provide written notice to any  
10 candidate for seasonal employment in a position or  
11 classification designated under subsection (a) of this  
12 section regarding the seasonal nature of employment being  
13 offered and the exemption from coverage under this chapter.  
14 Failure to provide notice under this subsection shall  
15 render the:

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17           (i) Exemption retroactively void to the date of  
18 hire of the affected employee;

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20           (ii) Affected employee eligible for coverage  
21 under this chapter; and

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1           (iii) Employer liable for all required  
2 contributions under this chapter and any civil penalty  
3 imposed by the department pursuant to rule.

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5           (c) The department shall promulgate rules to carry  
6 out this section.

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8           (d) As used in this section, "seasonal employment"  
9 means service during regularly recurring periods of fewer  
10 than twenty-one (21) consecutive weeks in a twelve (12)  
11 month period. Seasonal employment does not include  
12 agricultural labor as defined in W.S. 27-3-107(a).

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14           **Section 2.** W.S. 27-3-108(a) by creating a new  
15 paragraph (xiv) and 27-3-306 by creating a new subsection  
16 (f) are amended to read:

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18           **27-3-108. Services excluded from scope of employment.**

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20           (a) Employment under this act does not include  
21 service performed:

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1           (xiv) As seasonal employment, if the service is  
2 exempted by an employer pursuant to W.S. 27-3-110.

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4           **27-3-306. Eligibility requirements; waiver or**  
5 **amendment authorized; unemployed waiting period;**  
6 **registration and referral for suitable work.**

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8           (f) Wages earned through seasonal employment that are  
9 exempted by an employer pursuant to W.S. 27-3-110 shall not  
10 be used to satisfy the wage requirements of subsection (d)  
11 of this section.

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13           **Section 3.** The department of workforce services shall  
14 promulgate any rules necessary to implement this act on or  
15 before April 1, 2019, provided that these rules shall not  
16 take effect until April 1, 2019.

17  
18           **Section 4.**

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20           (a) Except as otherwise provided in subsection (b) of  
21 this section, this act is effective April 1, 2019.

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1           (b) Section 3 of this act is effective immediately  
2 upon completion of all acts necessary for a bill to become  
3 law as provided by Article 4, Section 8 of the Wyoming  
4 Constitution.

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(END)