

ENROLLED ACT NO. 54, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to discrimination and harassment grievances involving the Wyoming national guard or military department; providing the Wyoming military department processes for reporting discrimination and sexual harassment; requiring agreements between the military department and the department of workforce services; specifying duties and powers of the department of workforce services and adjutant general; authorizing a position; appropriating funds; requiring rulemaking; and providing for effective dates.

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

Section 1. W.S. 19-9-404 is created to read:

19-9-404. Complaints of wrongs; Uniform Code of Military Justice Article 138-similar procedure.

Any member of the Wyoming national guard who believes the member has been wronged by a commanding officer, and who, upon due application to that commanding officer, is refused redress may complain to any superior commissioned officer. The superior commissioned officer shall forward the complaint to the adjutant general. The adjutant general shall examine the complaint and take proper measures for redressing the wrong complained of and shall, as soon as possible, send to the appropriate governor a true statement of that complaint, with the measures taken to redress the complaint. The provisions of this section may be exercised in addition to or in lieu of the applicable procedures in W.S. 19-7-103(b)(xxv).

Section 2. W.S. 19-7-103(b) by creating a new paragraph (xxv), 27-9-102(b) and 27-9-104(a)(v) and by creating a new paragraph (viii) are amended to read:

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19-7-103. Adjutant general; appointment; rank; removal; duties and qualifications.

(b) The adjutant general of Wyoming shall have powers and duties and be paid a salary as follows:

(xxv) He shall enter into agreements, exchange information and otherwise assist the department of workforce services to counsel, mediate, investigate and determine claims by members of the Wyoming national guard and employees of the military department under the federal laws enforced by the equal employment opportunity commission or under W.S. 27-9-105, as applicable. He shall promulgate rules that coordinate with the department of workforce services rules promulgated under W.S. 27-9-104(a)(viii) to accomplish the powers and duties in this paragraph and W.S. 27-9-104(a)(viii), consistent with equal employment opportunity commission rules and requirements and federal law. Nothing in this paragraph prevents a state employee of the military department claiming to be aggrieved by an employment practice specified as discriminatory or unfair in W.S. 27-9-105 from filing with the department of workforce services a complaint in accordance with W.S. 27-9-106.

27-9-102. Definitions.

(b) "Employer" shall mean the state of Wyoming or any political subdivision or board, commission, department, institution or school district thereof, and every other person employing two (2) or more employees within the state; but it does not mean religious organizations or associations. "Employer" shall include those divisions of the Wyoming military department that are authorized by federal authority.

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27-9-104. Powers and duties of department of employment.

(a) The department shall have the following powers and duties:

(v) For the purposes of all counseling, mediation or investigations the department shall have the power to issue subpoenas requiring the attendance and testimony of witnesses and the production of any books, papers, documents or records ~~which~~that the department deems relevant or material to the inquiry or determination;

(viii) To enter into agreements, exchange information and otherwise assist the Wyoming military department to counsel, mediate, investigate and determine claims by members of the Wyoming national guard and employees of the military department. As used in this paragraph, "claims" means claims under this chapter or claims under the federal laws enforced by the equal employment opportunity commission, as applicable. The department shall promulgate rules that coordinate with the military department rules promulgated under W.S. 19-7-103(b)(xxv) to accomplish the powers and duties in this paragraph and W.S. 19-7-103(b)(xxv), consistent with equal employment opportunity commission rules and requirements and federal law.

Section 3. Not later than July 1, 2022, the military department and the department of workforce services shall each promulgate rules necessary to implement this act.

Section 4.

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(a) There is appropriated two hundred twenty-six thousand three hundred thirty-six dollars (\$226,336.00) from the general fund to the department of workforce services for salaries, benefits, training and any other necessary expenses for implementing W.S. 19-7-103(b)(xxv) as created by this act and the Wyoming Fair Employment Practices Act of 1965 as amended by this act. This appropriation shall be for the period beginning with the effective date of this section and ending June 30, 2024. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024.

(b) One (1) full-time equivalent position is authorized to the department of workforce services to implement W.S. 19-7-103(b)(xxv) as created by this act and to implement the Wyoming Fair Employment Practices Act of 1965 as amended by this act. This position shall be authorized for the period beginning with the effective date of this section and ending June 30, 2024.

(c) It is the intent of the legislature that the position authorized in this section and the funding provided in this section shall be included in the department of workforce services' standard budget for the immediately succeeding fiscal biennium. The department of workforce services may include in an exception budget request for the 2024 fiscal year such funds and positions as it determines necessary to support the duties and responsibilities created by this act.

ORIGINAL HOUSE
BILL NO. HB0053

ENGROSSED

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Section 5.

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

(b) Sections 1 and 2 of this act are effective July 1, 2022.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk