

## CHAPTER 1

### GENERAL PROVISIONS

#### Section 1. **Authority.**

These State Personnel Rules are promulgated by the Human Resources Division, Department of Administration and Information, State of Wyoming, in accordance with W.S. 9-2-1001, 9-2-1002, 9-2-1019, 9-2-1022, and 16-3-101 through 16-3-115. They take precedence over all personnel rules issued by any Executive Branch State agency.

#### Section 2. **Coverage.**

These rules apply to all positions and employees in the Executive Branch, with the exception of the University of Wyoming and the positions of Governor, Secretary of State, State Auditor, State Treasurer, Superintendent of Public Instruction, District Attorneys and Executive Director of the Community College Commission which are exempt from these rules. The Governor is exempt from Chapters 2 through 6 in the appointment of agency heads. The position of Adjutant General is exempt from the State Compensation Plan (W.S. 19-7-103 (b)(ix)).

#### Section 3. **Interpretation.**

The Human Resources Administrator or designee is solely responsible for providing official interpretations of these rules in cases of apparent internal conflicts between rules, or when questions arise about their application to specific situations, procedures or policies.

#### Section 4. **Enforcement.**

(a) The Human Resources Administrator shall ensure that these rules are enforced and applied uniformly and fairly by all Executive Branch agencies.

#### (b) Agency Responsibility.

(i) Agency heads are responsible for applying these rules within their agency, and shall ensure that all employees comply with their provisions. Agency heads are responsible for the action of agency management employees to whom they have delegated, in writing, authority to act in their behalf in any or all aspects of personnel administration.

(ii) Agency heads shall inform all employees of these rules.

(iii) Agency heads shall provide all employees with reasonable access to these rules.

(c) Employees are responsible for familiarizing themselves with these rules and are expected to contact their supervisor or agency human resources representative for explanation of any rule they do not understand.

#### Section 5. **Personnel Policies.**

The Human Resources Division may issue written policy statements concerning interpretation or application of these rules, procedures for carrying out personnel functions, and other matters necessary for proper personnel administration. Agency heads shall distribute and comply with these statements.

#### Section 6. **Equal Employment Opportunity.**

(a) Equal employment opportunity shall be provided to applicants and employees in the administration of all personnel practices such as recruitment, appointment, promotion, performance appraisal, discipline, retention, training and other benefits, terms and conditions of employment in a manner which does not discriminate on the basis of race, color, creed, religion, sex, national origin, age, political affiliation, or disability (except where disability is a bona fide occupational disqualification).

(b) The Human Resources Division shall provide assistance to agency heads in the administration of equal employment opportunity policy.

(c) Agency heads shall act in accordance with equal employment opportunity policy and shall cooperate fully with the Human Resources Division Equal Employment Opportunity Coordinator, the State of Wyoming's representative, in investigating and resolving discrimination complaints.

(d) Agency heads are responsible for distributing and discussing equal employment opportunity policy with agency management and employees to assure understanding and consistent application.

(e) Agency heads shall provide employees and applicants alleging discrimination accessibility to the agency's designated Equal Employment Opportunity Coordinator who can assist the individual in order to insure that their rights are not violated. The Human Resources Division Equal Employment Opportunity Coordinator shall be contacted by the agency when an employee or applicant complains of employment discrimination.

(f) An employee or applicant alleging employment discrimination should contact the Human Resources Division Equal Employment Opportunity Coordinator who shall attempt to resolve the complaint. If the complaint cannot be resolved, the Coordinator shall provide a full report to the State Human Resources Administrator and shall advise the individual of any other procedures available for resolution of the complaint.

## Section 7. **Discrimination and Sexual Harassment**

(a) The State of Wyoming Anti-Discrimination Policy is set forth in Executive Order No. 2000-4.

(b) The Anti-Discrimination Policy prohibits any form of discrimination or harassment related to an individual's race, religion, color, sex, national origin, age or disability.

(c) The Anti-Discrimination Policy outlines the following:

(i) prohibited conduct;

(ii) complaint procedures;

(iii) investigations into complaints of prohibited conduct; and

(iv) corrective action that will be taken in response to complaints of conduct prohibited by the Anti-Discrimination Policy.

(d) Any employee who believes he or she has been discriminated against or harassed in violation of the Anti-Discrimination Policy should submit a complaint following the procedures set forth in the Anti-Discrimination Policy.

(e) An employee may file a discrimination complaint with the Wyoming Department of Employment, Division of Labor Standards or the Federal Equal Employment Opportunity Commission.

## Section 8. **Substance Abuse.**

(a) Policy. It is the policy of the State of Wyoming to maintain a workplace free of substance abuse:

(i) Reporting to work or performing work for the State while impaired by or under the influence of illegal drugs or alcohol is prohibited. Testing for drug or alcohol use is not required in determining whether an employee is impaired by or under the influence of drugs or alcohol. Eyewitness evidence of unusual behavioral and physical signs and symptoms can be used to determine

reasonable cause to inquire whether an employee is impaired or under the influence of drugs or alcohol.

(ii) The illegal use, possession, dispensation, distribution, manufacture or sale of a controlled substance by an employee in the workplace is prohibited.

(iii) Violation of such prohibitions by an employee shall result in discipline in accordance with the State of Wyoming Personnel Rules and applicable agency policies and procedures.

(iv) The conviction of an applicant or employee for the illegal use, possession, dispensation, distribution, manufacture or sale of a controlled substance outside the workplace shall be taken into consideration in determining job qualification or in administering disciplinary action up to and including dismissal.

(v) Employees shall notify their agency of any criminal drug statute conviction not later than five (5) days after such conviction.

(vi) Agencies that receive federal grants or contracts must report any criminal drug statute convictions of their employees engaged in the performance of a federal grant or contract, to federal agencies from which grants or contracts are received within ten (10) days after receiving notice from the employee or otherwise receives actual notice of such conviction.

(vii) All employees shall be given a copy of the Substance Abuse Policy. Employees shall be informed that they must abide by the terms of the policy as a condition of employment and of the consequences of any violation of such policy.

#### Section 9. **Personnel Forms.**

The Human Resources Division shall prescribe the forms and procedures for use by State agencies in matters of personnel administration.

#### Section 10. **Employee Participation.**

Employees or their recognized representatives may provide comments and suggestions to the Human Resources Division relating to personnel matters affecting their interests.

#### Section 11. **Personnel Records.**

(a) The Human Resources Division shall have access to all agency

personnel records.

(b) Employees personnel records shall be maintained as determined by the Human Resources Division and in accordance with the State Personnel Records Policy.

(c) Employees shall have access to their personnel records upon providing proper identification. An employee's representative may be given access to an employee's personnel records upon providing a release signed by the employee.

#### Section 12. **Responsibility for Agency Functions.**

(a) Agency heads shall ensure that the following functions are performed:

(i) Establishment and maintenance of internal personnel policies and procedures which do not conflict with the State rules.

(ii) Establishment and maintenance of employee personnel records. Personnel records, including selection/interview records, shall be maintained as required by W.S. 16-4-203(b)(ii) and W.S. 16-4-203(d)(iii) the Executive Branch Records Retention Schedules.

(iii) Designation of a contact position for purposes of communicating with the Human Resources Division.

(iv) Preparation of reports and other information required by the Human Resources Division.

#### Section 13. **Management Rights.**

To insure that the State can carry out its constitutional and statutory functions there are certain matters which are solely functions of management, including the right to direct the work force; to select and determine the number and types of employees required; to determine the content of job classification; to hire, transfer, promote, demote, reappoint, suspend, discipline and dismiss employees; to evaluate work performance; to authorize leave; to assign work to employees as required by the State; to establish and change work schedules and assignments; to lay off employees for lack of work; to furlough employees without pay for lack of work or funding; to expand or diminish services; to subcontract any work or operations; to establish and change methods of operations; to determine and change work locations and the processes and materials to be employed; and to take all necessary actions to perform its functions in emergencies. Management shall have the right to conduct inquiries into matters affecting management policies and practices. Management shall ensure these

functions are carried out fairly, equitably and in the best interest of the State.

**Section 14. Politics.**

(a) Employees shall not use official authority or influence to interfere with or influence the result of an election or nomination for office; directly or indirectly coerce a State officer or employee to pay, lend or contribute anything of value to a party, committee, organization, agency, or person for political purposes; conduct any political activity on State time; or be a candidate for partisan elective office if employed in a program covered by the Federal Hatch Act.

(b) Discrimination against any person in recruitment, examination, appointment, retention, discipline or any other aspect of personnel administration because of political opinion or affiliation is prohibited. No questions shall be asked on any application, examination or interview which would directly or indirectly require the disclosure of a person's political affiliation, preferences or opinions. Applicants and employees are prohibited from using political influence as an advantage in securing or making appointments or for other personal benefit for themselves or others in personnel matters.

**Section 15. Conflicts of Interest.**

Employees shall not enter into any financial or other relationship with a State agency, private business, or other organization which would constitute a conflict of interest with their State employment. Employees shall not permit themselves to be placed under any personal or other obligation which could lead any person, group, or organization to expect official favors.

**Section 16. Personal Conduct.**

Employees shall be courteous, considerate, and impartial in dealing with and serving the public. Employees shall conduct themselves in a manner that will not bring discredit or embarrassment to the State.

**Section 17. Dual Employment.**

(a) There shall be no conflicting hours of work when a person is employed by two (2) or more State agencies or in two (2) or more positions in the same State agency. In the case of the former, both agency heads shall first agree to the terms of the dual employment. Dual employment within State service shall have prior approval of the Human Resources Division.

(b) An agency head may allow an employee to work for another employer so long as the employee performs satisfactorily and there is no conflict of hours. No employee shall engage in outside employment or other activity which is not

compatible with the efficient and proper performance of the duties of State employment, or which tends to impair capacity to perform duties and responsibilities in an acceptable manner.

**Section 18. Use of State Property.**

No employee shall use or permit the use of State property for other than official activities. Employees shall protect and conserve State property, equipment, and supplies entrusted or issued to them.

**Section 19. Savings Clause.**

If any provision of these rules or its application to any person or circumstance is held invalid or in conflict with any other provision of these rules, the invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable.

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