



**STATE OF WYOMING  
EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER**

**Order 2021-08  
(supersedes and replaces Executive Order 2020-12)**

**RELIEF FROM BENEFIT CHARGES TO EMPLOYERS' ACCOUNTS FOR  
UNEMPLOYMENT COMPENSATION BENEFITS PAID DUE TO COVID**

**WHEREAS**, the COVID-19 pandemic, which was declared a national and statewide emergency in March 2020, has had unprecedented impacts on the economy, businesses, and workforce of both the country and the state; and

**WHEREAS**, employers in the State have been directly or indirectly impacted by COVID-19 and its effects on the workforce, employer operations, safety protocol, and revenue; and

**WHEREAS**, businesses across the country, including in Wyoming, experienced declining revenue due to COVID-19 and its secondary impacts, including from restrictions on and closures of certain businesses due to public health orders and recommendations. Nationwide and in the State of Wyoming, this resulted in a temporary increase in unemployment claims; and

**WHEREAS**, on March 18, 2020, the President of the United States of America signed the Families First Coronavirus Response Act, P.L. 116-127, which provided emergency supplemental appropriations for response to the spread of COVID-19, including expanded unemployment benefits. This resulted in an increase to the number of unemployment claims filed nationwide and in the State of Wyoming; and

**WHEREAS**, the large volume of unemployment benefit claims made in the State of Wyoming during the COVID-19 pandemic caused a strain on Wyoming's unemployment insurance system as a whole. As a result, unemployment insurance expenses significantly increased in 2021 for every contributory employer in the state in order to make up for system-wide losses to the Unemployment Compensation Trust Fund caused by the pandemic; and

**WHEREAS**, Wyoming 2020 Special Session Laws, Ch. 2, Sec. 6 authorizes me to order temporary relief from unemployment charges that I determine should not be charged due to circumstances related to COVID-19. Pursuant to that authority, I previously issued Executive Order 2020-12 which provided relief from certain unemployment charges linked directly with COVID-19; and

**WHEREAS**, relief from unemployment charges must be expanded from that provided in my Executive Order 2020-12, given the broad impacts of COVID-19 on unemployment charges against every contributory employer in the State; and

**WHEREAS**, funds expended from the Wyoming Unemployment Compensation Trust Fund to provide the relief granted through this Order may be entirely replenished with federal COVID-19 relief funding, ensuring that the actuarial soundness of the Wyoming Unemployment Compensation Trust Fund is maintained and safeguarded while providing the relief ordered herein.

**NOW, THEREFORE**, pursuant to the authority vested in me by the Constitution and by the laws of the State of Wyoming, particularly Wyoming 2020 Special Session Laws, Ch. 2, Sec. 6 and Wyoming 2021 Session Laws, Ch. 166, Sec. 5, and because contributory employers have seen significant increases to unemployment insurance costs due to the COVID-19 pandemic, I, Governor Mark Gordon, do hereby order the temporary relief from unemployment charges for contributory employers in the State of Wyoming, under the following conditions:

1. Unemployment compensation benefits paid to an eligible individual from the Wyoming Unemployment Compensation Fund shall not be charged to a business's unemployment insurance account only if all of the following conditions are met:
  - a. The business must be a contributory employer;
  - b. The claim for benefits must have been made between March 13, 2020, and December 31, 2020. A contributory employer need not establish that the claim for benefits was directly related to COVID-19.
2. The Wyoming Department of Workforce Services, Unemployment Division ("Division") shall identify all employees who received unemployment benefits under the conditions described in Section 1 above. For those employees, the Division shall identify the applicable benefit payments made for the relevant weeks of unemployment. The Division shall perform a Data Change Request to move those business charges from the eligible employer to a COVID-19 Non-Charge Pool Account to make a final determination of the amount to non-charge the business.
3. The Division and the Wyoming Unemployment Insurance Commission shall continue to monitor the Unemployment Compensation Trust Fund to ensure that in providing relief under this Order, the Wyoming Unemployment Compensation Trust Fund remains actuarially sound. As necessary, the Division shall replenish the Unemployment Compensation Trust Fund with federal COVID-19 relief funds consistent with the federal laws and regulations applicable to such funds, in order to maintain actuarial soundness of the account.
4. The Division shall immediately advise me if the actuarial soundness of the Unemployment Compensation Trust Fund account is at risk, so that this Executive Order can be revised accordingly.

5. No relief shall be provided under this Executive Order to employers determined to be at fault for failing to provide timely or adequate responses to Division requests for information relating to a claim for unemployment compensation benefits.

6. The Division shall ensure that administration of this Executive Order is consistent with federal and state law and guidance.

7. The Division shall reimburse the Unemployment Compensation Trust Fund for all expenses incurred to provide relief under this Order with federal COVID-19 relief funding, consistent with the federal laws and regulations applicable to such funding.

This Executive Order is effective only as to benefits charged to employers between March 13, 2020, and December 31, 2020. This Order shall remain in effect unless the Division determines that the Wyoming Unemployment Compensation Trust Fund can no longer withstand the non-charges described herein, at which point I will rescind this Order.

Executive Order 2020-12 is hereby rescinded and replaced by this Order.

Given under my hand and the Executive Seal of the State of Wyoming this 15th day of October, 2021.



Mark Gordon  
Governor