

CHAPTER 11

WORKPLACE SAFETY CONTRACTS

Section 1. Authority. The Department of Workforce Services (DWS) is authorized under the Department of Workforce Services Act W.S. 9-2-2602(b)(vi) and W.S. 9-2-2608(c), and the Wyoming Administrative Procedures Act, W.S. 16-3-101, *et seq.* to promulgate rules and regulations to be used by the Department of Workforce Services in the discharge of its functions.

Section 2. Purpose. The Workplace Safety Contracts program provides opportunities for public and private sector employers to enhance or implement workplace safety programs, including assistance in purchasing occupational health or safety equipment or for the provision of workplace safety training, which exceed OSHA and/or MSHA standards. These rules and regulations are adopted by the Department of Workforce Services pursuant to the requirements and authority granted by W.S. 9-2-2601(g)(vii) and W.S. 9-2-2608(a) through (d).

Section 3. Definitions.

(a) “Administrator” means the Administrator of the Department of Workforce Services, Standards and Compliance, or his/her designee.

(b) “Applicant” means any business, proprietor or business entity that applies for a Workplace Safety Contract.

(c) “Consultation” means technical assistance, consultation program, and safety specialists within the Department of Workforce Services.

(d) “Department” means the Department of Workforce Services (DWS), Workers’ Compensation Division.

(e) “Director” means the Director of the Department of Workforce Services.

(f) “Employee” means any person as defined by W.S. 27-14-102(a)(vii)(A) through (R).

(g) “MSHA” means the Mine Safety and Health Administration or Wyoming Mine Inspector.

(h) “OSHA” means the Occupational Safety and Health Administration, a division within the Department of Workforce Services.

(i) “Panel” means the group of DWS professionals reviewing applications; comprised of at least the DWS Director or Administrator or his/her designee, a Consultation member, Safety Specialist, a Risk Manager and the State Occupational Epidemiologist.

(j) “Program” means the Workplace Safety Contracts Program.

Section 4. Application Process and Eligibility Requirements.

(a) Eligibility. Program eligibility requires the Applicant to be registered and in good standing with the Department at the time of application submission and contract payment. The program also requires the applicant be in good standing with Wyoming Unemployment Insurance and the Secretary of State.

(i) Preference will be granted to Applicants who are currently enrolled in the Safety Discount Program, Drug-Free Workplace Program, Health & Safety Consultation Discount Program or the Deductible Program.

(b) Application Process. Applications for the Program will be reviewed on a quarterly basis. Applications will be reviewed by the Panel to determine the following:

(i) The application demonstrates how the purchase of equipment or training will alleviate existing or potential hazards in the Applicant’s workplace.

(ii) The equipment or training applied for goes above and beyond OSHA or MSHA minimum requirements for the Applicant’s industry.

(iii) The Applicant indicates how funding from the program will reduce workplace injury frequency and severity.

(iv) The Applicant has clearly shown what equipment or training will be purchased, to include product or course information and cost information.

(v) The Applicant has applied for allowable expenses, such as:

(A) Equipment directly related to the Applicant’s employee safety.

(B) Direct training costs which include tuition, registration, class fees, class materials, and trainee travel costs directly related to the training; along with instructor’s fees and instructor travel fees when the instructor is brought to the Applicant’s location for training when the instructor is not an employee of the Applicant.

(vi) Applications requesting non-allowable items, as listed below, may receive an automatic denial, with no review by the Panel.

- (A) Capital construction of any kind;
- (B) Employee wages or benefits of any kind;
- (C) Assessments, testing and certification exams not included in the cost of training;
- (D) Any and all equipment or training intended to meet minimum OSHA or MSHA minimum standard;
- (E) Office interventions or ergonomic equipment, including but not limited to chairs, anti-fatigue mats, standing desks, etc.;
- (F) Any personal protective equipment (PPE) required to meet minimum industry standards;
- (G) Passive Devices;
- (H) Basic equipment replacements;
- (I) Heavy equipment, including, but not limited to skid steers, front end loaders, bobcats, mules, forklifts, scissor lifts etc.;
- (J) Powered hand tools;
- (K) Equipment which would provide the Applicant with a competitive industry advantage;
- (L) Rented or leased equipment;
- (M) Any and all first aid equipment, including Automated External Defibrillators (AED's);
- (N) Lighting;
- (O) Vehicle lifts;

(P) Vehicles: all driven vehicles, including but not limited to cars, trucks, utility vehicles, gators, tractors, ATV's, four wheelers, personal watercraft;

(Q) Health or safety subscriptions, including but not limited to magazine and video libraries; or,

(R) Any equipment or training purchased prior to the application submission and/or prior to contract execution;

(c) Approval Process. Once an application has been approved, the Department will enter into a contract with the Applicant, to be written by a Risk Manager and signed by the Attorney General. The contract will state that:

(i) One hundred percent (100%) of the funds for the program not including matching funds shall be remitted to the Applicant after the contract is fully executed.

(ii) Funds will be paid directly to the Applicant.

(iii) Funds expended through the Program must be used within ninety (90) days of contract execution, unless an extension has been granted by the Administrator and/or his/her designee.

(d) Denial of Application. Should an application for funding be denied, the Applicant may request an appeal or reconsideration within thirty (30) days. The request must:

(i) Be submitted to the Panel in writing.

(ii) Clearly outline why the Panel should reconsider the application.

(iii) State whether or not the Applicant would like a meeting scheduled to discuss the appeal with the Panel.

Section 5. Applicant Reporting. An Applicant who has been approved for funding through the Program shall submit reports, in a format provided by the Department, as outlined in the Program contract and W.S. 9-2-2608(b).

Section 6. Remittance of Unused Program Funds. The Applicant shall repay the Department any portion of funding not used for the approved training and/or equipment, as delineated by the Program Contract.