DAVE FREUDENTHAL
GOVERNOR

THE STATE OF WYOMING

STATE CAPITOL
CHEYENNE, WY 82002

Office of the Governor

STATE OF WYOMING
EXECUTIVE DEPARTMENT
EXECUTIVE ORDER
2005-2

Military Members Compensation Committee

WHEREAS, many employees of the executive branch of Wyoming state government who have or will enter service in the uniformed services on or after September 11, 2001 will experience a reduction in compensation and/or benefits; and

WHEREAS, the Legislature, through Wyoming Statute §19-11-102(a), has declared it to be the policy of the State of Wyoming that its citizens who leave their employment to serve their country and state shall not be economically disadvantaged; and

WHEREAS, the Legislature, through Wyoming Statute §19-11-102(b), has declared that the State of Wyoming should be a model employer in carrying out the provisions of the Military Service Relief Act; and

WHEREAS, Wyoming Statute §19-11-106(a) provides that any private or public employer may pay compensation to any employee who leaves employment to perform service in the uniformed services; and

WHEREAS, Wyoming Statute §19-11-109(b) provides that any employee called into active military service shall have the right to maintain the group health insurance or plan coverage by furnishing his employer with sums equal to that which would have been deducted from his compensation for such coverage; and

WHEREAS, Wyoming Statute §19-11-109(b) provides that any employee called into active military service shall have the right to maintain the group life insurance or plan coverage by furnishing his employer with sums equal to that which would have been deducted from his compensation for such coverage; and

WHEREAS, Wyoming Statute §19-11-108(a) provides that any member of the Wyoming national guard or United States military forces reserve who is an officer or employee of this state or any political subdivision, municipal corporation or any public agency or entity of the State, shall be given a military leave of absence with pay at the regular salary or wage which the employee normally receives, not to exceed fifteen (15) calendar days in any one (1) calendar

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year, to attend duly authorized encampments, training cruises and similar training programs in addition to any other leave or vacation time to which the person is otherwise entitled; and

WHEREAS, federal law and the deferred compensation plan provides that deferred compensation will operate in accordance with Section 414(u) of title 26, of the Internal Revenue Code;

NOW THEREFORE, I, DAVE FREUDENTHAL, Governor of the State of Wyoming, by virtue of the powers vested in me by the Constitution and the laws of the State of Wyoming, do hereby order and direct;

COMPENSATION

1. The Military Members Compensation Committee is hereby continued, composed of the State Human Resources Administrator, as chairman, the director of the Wyoming Retirement System, the manager of State Employees and Officials Group Insurance, a representative of the State Auditor as selected by the Auditor, a representative of the Wyoming National Guard as selected by the Adjutant General, and a representative of the University of Wyoming as selected by the President of the University. The University's representative shall serve as a liaison to assist the University's Board of Trustees in establishing a policy for University employees consistent with this Executive Order.

2. The Military Members Compensation Committee shall adopt procedures to Implement this Order, including all necessary application forms; the Committee shall adopt practices to be followed by all executive branch agencies to assure that state employees who leave employment in order to perform service in the uniformed services on or after September 11, 2001 are notified of this Order and the proper manner of applying for compensation.

3. Every state employee who took a leave of absence from state employment on or after September 11, 2001 to perform service in the uniformed services, upon proper application, shall be eligible to receive an amount equal to the difference between their monthly base pay in state employment at the time they left state employment and their monthly base pay in the uniformed services. The agency or department for which the employee worked shall be responsible for the payment.

4. Every state employee who took a leave of absence from state employment on or after September 11, 2001 to perform service in the uniformed services, upon proper application, shall be eligible to receive an amount equal to the they left state employment and their monthly base pay in the uniformed services. The

agency or department for which the employee worked shall be responsible for the payment.

5. Nothing contained herein shall be interpreted in any manner to diminish the rights granted under Title 19 of the Wyoming Statutes.

GROUP HEALTH INSURANCE

The employing agency of any state employee currently covered by state health insurance who took a leave of absence from employment on or after September 11, 2001 to perform service in the uniformed services shall continue to pay the employer's contributions during the time of absence for any such employee who elects to continue coverage under the state health insurance plan.

LIFE INSURANCE

Any employee who took a leave of absence from state employment on or after September 11, 2001 to perform service in the uniformed services shall have the right to maintain any applicable life insurance available through the State of Wyoming by furnishing the employer the sums equal to that which would have been deducted from his compensation for such coverage.

DEFERRED COMPENSATION

In accordance with 26 U.S.C.A. §414(u)(2)(a), after reemployment of any employee who took a leave of absence from state employment on or after September 11, 2001 to perform service in the uniformed services, the employee will be given the opportunity to make additional deferrals within the time limits of the federal law and the employing agency shall make any matching contributions which would have been required had such deferral actually been made during the period of such qualified military service.

NO LOSS OF ACCRUED ANNUAL LEAVE

Any state employee who took a leave of absence from state employment on or after September 11, 2001 to perform service in the uniformed services shall be entitled to all vacation leave accrued during the period of such military service, and shall not be subject to the leave forfeiture requirement of Chapter 10, Section (g) of the State of Wyoming Personnel Rules during the period of such military service.

MILITARY LEAVE OF ABSENCE

That State agencies shall provide fifteen (15) working days of military leave with pay under Wyo. Stat. §19-11-108(a) to qualified state personnel per calendar year in accordance with the current Personnel Rules and FORMAL ATTY. GEN. OPINION NO. 78-42.

This order supercedes and replaces Executive order 2003-6 and shall expire on October 31, 2007, unless sooner rescinded.

GIVEN UNDER MY HAND THE EXECUTIVE SEAL OF THE OFFICE OF GOVERNOR THIS 5 DAY OF OCTOBER, 2005.

Dave Freudenthal
Governor