

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004



ENROLLED

House Bill No. 4132

(By Delegates Mezzatesta, Cann, Frederick,
Stalnaker, Sumner and Walters)



Passed February 26, 2004

In Effect Ninety Days from Passage

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E N R O L L E D

H. B. 4132

(BY DELEGATES MEZZATESTA, CANN, FREDERICK,
STALNAKER, SUMNER AND WALTERS)

[Passed February 26, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §5B-2D-2, §5B-2D-3, §5B-2D-4, §5B-2D-5, §5B-2D-6 and §5B-2D-7 of the code of West Virginia, 1931, as amended, all relating to the West Virginia guaranteed work force program; updating terms; establishing that funds may be provided by the Legislature; requiring certain reporting and increasing the maximum amount that may be spent on certain training.

Be it enacted by the Legislature of West Virginia:

That §5B-2D-2, §5B-2D-3, §5B-2D-4, §5B-2D-5, §5B-2D-6 and §5B-2D-7 of the code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 2D. WEST VIRGINIA GUARANTEED WORK FORCE PROGRAM.

§5B-2D-2. Definitions.

1 As used in this article, the following words and terms have
2 the following meanings unless the context indicates another or
3 different meaning or intent:

4 (1) “WVDO” means the West Virginia development office;

5 (2) “Employer” means an individual, partnership, corpora-
6 tion, or other legal entity that employs or plans to employ
7 skilled workers;

8 (3) “Retraining and job upgrade” means the specialized
9 training that is given to an identified level of employees to
10 enable them to advance to a higher level of employment;

11 (4) “Program” means the West Virginia Guaranteed Work
12 Force Program established pursuant to section three of this
13 article;

14 (5) “Training” means custom-designed training given to
15 employees or prospective employees of new or expanding
16 businesses and industries within the state;

17 (6) “Training provider” means any persons, public or
18 private educational institutions, agencies, companies or other
19 entities that may be utilized for training or consultative services
20 for an employer.

§5B-2D-3. Training program.

1 The West Virginia development office shall develop a
2 business and industrial training program, the purpose of which
3 is to provide assistance for new or expanding businesses for the
4 training, retraining or upgrading of the skills of potential
5 employees. The program shall emphasize employee training
6 specifically designed to accommodate the needs of individual
7 employers. The program shall encourage the expansion of
8 existing businesses and industries within the state, promote

9 retention of businesses and industries within the state, promote
10 retention of existing jobs within the state, prevent economic and
11 industrial out-migration, and assist in the relocation of
12 out-of-state businesses and industries in the state. Under this
13 program, the West Virginia development office may pay up to
14 one hundred percent or two thousand dollars per employee,
15 whichever is less, of training costs of new employees in firms
16 creating at least ten jobs in a one-year period. Training assis-
17 tance may also be provided to existing businesses in cases in
18 which training, retraining or upgrading services will result in
19 the retention of existing jobs or the creation of additional jobs,
20 or both: *Provided*, That the West Virginia development office
21 may pay up to one hundred percent or two thousand dollars per
22 employee, whichever is less, for the training, retraining or
23 upgrading. Training costs associated with this program will be
24 paid directly by the training provider.

25 Provision of training services will depend upon the em-
26 ployer meeting program requirements as set forth by the West
27 Virginia development office and this article. The state of West
28 Virginia guarantees if employer satisfaction is not achieved, the
29 West Virginia development office will carefully review the
30 effectiveness of the recently completed training plan and
31 program with the employer and the training provider. After
32 such review, if the West Virginia development office deter-
33 mines that the training program was inadequate to meet the
34 employer's specifications and satisfaction as originally agreed
35 to, then those employees so trained shall be eligible for retrain-
36 ing under the guarantee provision except when the training
37 program curriculum or provider were selected solely at the
38 discretion of the employer, then no such additional training
39 shall be considered or approved: *Provided*, That in no instance
40 may the cost of training and retraining an employee exceed four
41 thousand dollars.

§5B-2D-4. Funds.

1 The funds made available by this section shall supplement
2 but not displace funds available through existing programs
3 conducted by employers themselves and public programs such
4 as the Workforce Investment Act (WIA), the Carl D. Perkins
5 Vocational Education Act, the Stewart B. McKinney Homeless
6 Assistance Act, and the JOBS Act, or apportionment fund
7 allocated to the community colleges, regional occupational
8 centers and programs, or other local educational agencies. In
9 addition, it is further the intention of the Legislature that the
10 program established pursuant to this section shall not replace,
11 parallel, supplant, compete with, or duplicate in any way
12 existing, approved apprenticeship programs.

13 The fund shall consist of all moneys provided by the
14 Legislature and also any contributions, grants or bequests
15 received from federal, private or other sources. Appropriations
16 made from the funds shall be for the purpose of providing
17 contractual services through the West Virginia development
18 office for vocational related training or retraining provided by
19 public or private training institutions within West Virginia and
20 for contracted services through the West Virginia development
21 office for vocational related training, retraining or upgrading
22 provided by public or private training institutions located
23 outside of West Virginia and for vocational related training or
24 retraining provided on site, within West Virginia by any
25 training provider as defined in this article.

§5B-2D-5. Program activities.

1 The primary concern in the provision of training services
2 shall be the needs and types of services identified by the
3 employer. A college or university, community college or area
4 vocational education center shall be given initial consideration

5 to provide any training, retraining, or job upgrade training. The
6 employer will have the opportunity to participate in the
7 selection of a training provider and training program curricu-
8 lum. Training services may begin upon execution of a written
9 agreement between the West Virginia development office and
10 the employer.

11 Program activities may include, but not be limited to, the
12 following:

13 (a) The performance of a job skills analysis and the
14 designing of a training curriculum for an employer.

15 (b) The recruitment and referral of trainee applicants to an
16 employer.

17 (c) The provision of off site pre-employment training to
18 prospective employees of a new or expanding business or
19 industry or to existing employees for purposes of retraining or
20 upgrading: *Provided*, That on site pre-employment training may
21 be provided if off site pre-employment training is not practical.

22 (d) Retraining of employees in response to a technological
23 change.

24 (e) The provision of job upgrade training, if the training
25 will retain or increase the employer's total work force.

26 (f) Contracting with persons, public or private educational
27 institutions, agencies or other bodies for training or consultative
28 services for an employer.

29 (g) The provision of materials and supplies used in the
30 training process, instructors with specialized skills, instructional
31 training aids and equipment, consultative services relative to

32 highly specific or technical data and other services.

33 (h) Assisting a foreign employer locating or expanding in
34 this state by familiarizing the employer's foreign personnel
35 with the work attitudes, work methods, expectations, customs
36 and life style of employees who work within this state.

37 (i) Taking any other action that is considered to be neces-
38 sary or desirable for the furtherance of the provisions of this
39 article.

40 Funds may not be awarded or reimbursed to any business
41 or industry for the training, retraining or upgrading of skills of
42 potential employees with the purpose of replacing or supplant-
43 ing employees engaged in an authorized work stoppage.

§5B-2D-6. Reporting.

1 (a) The office shall file a report with the Legislature, the
2 legislative oversight commission on workforce investment for
3 economic development and the governor at the end of each
4 fiscal year, commencing June thirtieth, one thousand nine
5 hundred ninety. This report shall include the following:

6 (1) The number of persons trained and their demographics;

7 (2) The number of persons placed in employment;

8 (3) The number of employers for which persons have been
9 trained and placed;

10 (4) The number of persons trained and placed for each
11 employer;

12 (5) The types of work for which persons have been trained;

13 (6) The source of training fund; and

14 (7) The overall effectiveness of this article in contributing
15 to economic stabilization and business and industrial growth
16 within this state.

17 (b) In addition, the West Virginia development office shall
18 report on a quarterly basis to the West Virginia workforce
19 investment council and the legislative oversight commission on
20 workforce investment for economic development the following
21 as they relate to the training program established by this article:

22 (1) The names of all companies approved for training
23 during the reporting quarter;

24 (2) The names of all companies receiving funding for
25 training during the reporting quarter;

26 (3) The amount and source of funds utilized for each
27 training program;

28 (4) The type of training being delivered;

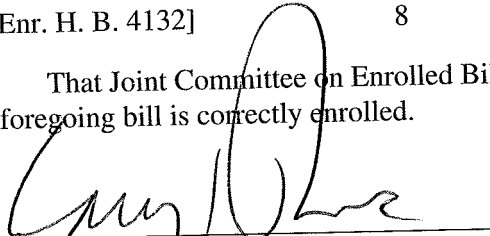
29 (5) The number of employees trained; and

30 (6) Those agencies providing the training.

§5B-2D-7. Marketing.

1 The West Virginia development office shall market and
2 promote the program.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.




Chairwoman Senate Committee



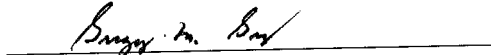
Chairman House Committee

Originating in the House.

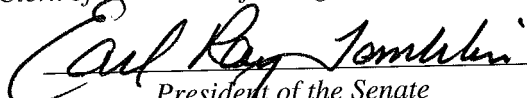
In effect ninety days from passage




Clerk of the Senate



Clerk of the House of Delegates

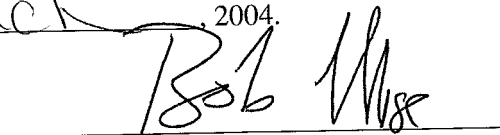


President of the Senate



Speaker of the House of Delegates

The within is approved this the 9th
day of March, 2004.



Governor

PRESENTED TO THE

GOVERNOR

DATE 3/3/04

TIME 3:55 pm