

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4080

FISCAL
NOTE

BY DELEGATES HOWELL, LINVILLE, FOSTER, MAYNOR,
HAYNES, ELLINGTON, STATLER, MARTIN, RILEY, TULLY,
AND MAYNARD

[Introduced January 13, 2022; Referred to the
Committee on Workforce Development then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §18-34-1, §18-34-2, §18-34-3, §18-34-4, §18-34-5, §18-34-6, §18-34-7, and
3 §18-34-8, all relating to the West Virginia Technical Apprenticeship Program; providing for
4 legislative findings; creating a position of executive director for the West Virginia Technical
5 Apprenticeship Program and establishing duties of the executive director; providing for
6 definitions; creating the West Virginia Technical Apprenticeship Program; providing for
7 students to obtain dual high school and college credit for participation in the program;
8 providing a tax credit for companies who participate in the program, as well as grants and
9 appropriate tax measures for donating new or used equipment to vocational and technical
10 centers; creating an internship opportunity for students who participate in the program;
11 and defining terms of the West Virginia Technical Apprenticeship Program and any
12 associated internships.

Be it enacted by the Legislature of West Virginia:

ARTICLE 34. WEST VIRGINIA TECHNICAL APPRENTICESHIP PROGRAM.

§18-34-1. Findings.

1 (a) The West Virginia Legislature finds that there is a need for workers in jobs that
2 vocational and technical centers presently train students for. In order to entice more students into
3 programs offered by vocational and technical centers, there is hereby created an initiative, known
4 as the “West Virginia Technical Apprenticeship Program.” In this program, students may obtain
5 dual credit – both high school and college credit. Those students will receive hands on training
6 that will hopefully lead them into a job associated with the particular program they are in.

7 (b) One of the problems associated with students in vocational and technical programs is
8 that once a student is hired, those students have to start on their college degree before working,
9 or while working. To solve this issue, a student in their junior year of high school may enroll in the
10 West Virginia Technical Apprenticeship Program (sometimes referred to as “West Virginia TAP”).
11 There may be jobs that already exist in a particular area, and West Virginia TAP can train students

12 for those jobs. West Virginia TAP will strengthen the demographics for a particular skill set. By
13 instituting this program, existing businesses may expand, and other companies may see the area
14 that is producing ready-made workers, which may cause new businesses to move into an area.

15 (c) The West Virginia Legislature can provide financial assistance to vocational and
16 technical programs, if such a need arises from the establishment of West Virginia Technical
17 Assistance Program. Companies may apply for grants in order to purchase the same type of
18 equipment that those companies are presently are using. The West Virginia Technical Assistance
19 Program, as well as the executive director of West Virginia TAP, shall seek out partnerships with
20 companies in respective areas to engage them into this program. If a business participates, then
21 that business shall provide a student with an interview upon successful completion of the program.

§18-34-2. West Virginia Technical Apprenticeship Program executive director established;
duties.

1 There is hereby established an executive director for the West Virginia Technical
2 Assistance Program. The executive director is to be selected by the West Virginia State Board of
3 Education. The executive director of the West Virginia Technical Assistance Program shall be
4 paid a sum of money to be determined as appropriate for the position by the West Virginia State
5 Board of Education. The executive director shall:

6 (1) Determine standards for apprentice agreements between companies, vocational and
7 technical centers, and community and technical colleges;

8 (2) Review decisions of agreements relating to apprenticeship disputes;

9 (3) Advise the West Virginia Board of Education on policies to coordinate apprenticeship-
10 related instruction delivered by state and local public education agencies.

11 (4) Keep a record of apprenticeship agreements and their disposition;

12 (5) Issue certificates of completion upon the completion of the apprenticeship;

13 (6) Initiate deregistration proceedings when an apprenticeship program is not conducted,
14 operated, and administered in accordance with the registered provisions.

15 (7) Establish policies governing the provision of apprenticeship-related instruction
 16 delivered by state and local public education agencies and shall provide for the administration
 17 and supervision of related and supplemental instruction for apprentices; and

18 (8) Perform such other duties as are necessary to carry out the intent of this article.

§18-34-3. Definitions.

1 As used in this article, the following terms shall have the following meanings unless the
 2 context indicates otherwise:

3 (a) “Apprenticeable occupation” means a skilled occupation having the following
 4 characteristics:

5 (1) It is customarily learned in a practical way through a structured systematic program of
 6 on-the-job supervised work experience;

7 (2) It is clearly identifiable and recognized throughout an industry;

8 (3) It involves manual, mechanical or technical skills which require on-the-job work
 9 experience of new apprenticeable trades not otherwise established; and

10 (4) It requires related instruction to supplement the on-the-job work experience.

11 (b) “Apprentice” means a person at least 16 years of age who is covered by a written
 12 agreement with an employer and approved by the executive director. The agreement shall provide
 13 for an interview for full-time employment for such person, for his participation in the West Virginia
 14 TAP, and for the amount of related instruction required in the occupation.

15 (c) “Employer” means any company, business, or organization participating in the West
 16 Virginia TAP.

17 (d) “Internship” means an agreement between an employer in WVTAP and a student in
 18 WVTAP for the student to have on the job training while not in school, likely during the summer
 19 break months.

20 (e) “Program” means the particular industry-centered apprenticeship that a student has an
 21 interest in, such as in welding, machinist, mechanic, or otherwise.

§18-34-4. West Virginia Technical Assistance Program established.

1 There is hereby established the West Virginia Technical Assistance Program. Those
2 students in their junior year of high school are eligible to begin the program. Students may seek
3 out their counselor or appropriate school administrator to register for the program. Dependent
4 upon the availability of industry programs available, that student shall be provided with appropriate
5 courses at their local vocational and technical center to correspond with their field. Upon
6 completion of the program at high school graduation, that student shall be awarded a certificate
7 of completion, and shall also be eligible for an interview with the company associated with their
8 particular program. Companies who hire students after their completion of the program shall be
9 eligible for an associated tax credit, as defined in §18-34-5 of this code.

§18-34-5. Dual high school and college credit.

1 By participating in the West Virginia Technical Assistance Program, a student shall be
2 entitled to both high school credit and for college credit. When the student has completed the
3 program, upon graduation from high school, a student shall earn an associate degree from an
4 accredited community and technical college in the skilled occupation that they trained in during
5 their participation in the program. The executive director of the West Virginia Technical Assistance
6 Program shall coordinate with the state board of education and the community and technical
7 colleges to ensure their cooperation in the program.

§18-34-6. Tax credit for companies who participate; ARC grants for equipment.

1 (a) All companies who participate in the West Virginia Technical Assistance Program shall
2 be eligible for a tax credit equal to the amount of any donation given to the vocational and technical
3 center for the purpose of training students through the West Virginia Technical Assistance
4 Program. Companies participating in this program are required to provide a student who has
5 successfully completed the program with an interview, but not a job. To that end, a company who
6 hires a student after their successful completion of the West Virginia Technical Assistance
7 Program shall be eligible for a 6-month payroll tax credit for each student that they hire. The

8 executive director of the West Virginia Technical Assistance Program shall coordinate with the
9 West Virginia State Tax Department to the extent that is necessary to ensure this credit is applied
10 to eligible companies.

11 (b) Companies who wish to donate machinery or equipment for the purpose of this
12 program may also apply for an Appalachian Regional Commission grant in order to satisfy the
13 costs associated with doing so. Companies may also obtain any appropriate tax write off for
14 donating new or used equipment to vocational and technical centers for used in the program. The
15 executive director of the West Virginia Technical Assistance Program shall coordinate with the
16 participating companies and vocational and technical centers to the extent necessary to ensure
17 this is done.

§18-34-7. Internship opportunity for summer months.

1 Any student who participates in the West Virginia Technical Assistance Program shall be
2 eligible for an internship during the summer break for companies who are also participating in the
3 program. The student shall have any time spent completing on the job training added towards
4 their time allotment for completion of the program. Companies who participate in the West Virginia
5 Technical Assistance Program and hire interns during the summer months as part of the program
6 shall not have their insurance rates negatively affected or adjusted outside of any industry
7 standard as a result of hiring such interns. The executive director of the West Virginia Technical
8 Assistance Program shall assist with the terms of the internship, if assistance is needed.

§18-34-8. Terms of apprenticeship and internship defined.

1 A student who participates in the program shall have an agreement with the company with
2 whom they are coordinating with clearly sets forth terms, expectations, training, etc. A
3 representative from the participating company may inform students of the company background,
4 the type of work involved should a student be hired, how training at the vocational and technical
5 center that they undertake can better prepare them for work at that company, or otherwise. The
6 executive director of the West Virginia Technical Assistance Program shall ensure that the terms

7 of any agreement are met by the student and by the employer.

NOTE: The purpose of this bill is to create the West Virginia Technical Assistance Program. The bill provides for certain legislative findings relating to the necessity of the program and explaining its inception. The bill creates a position of executive director for the West Virginia Technical Apprenticeship Program and establishes the duties of the executive director in carrying out the program. The bill provides for definitions related to the program as a whole. The bill creates the West Virginia Technical Apprenticeship Program. The bill provides for students to obtain dual high school and college credit for participation in the program. The bill provides a tax credit for companies who participate in the program and specifies that students may obtain an interview. The bill creates an internship opportunity for students who participate in the program and defines terms of such an internship. Finally, the bill and defining terms of the program as a whole and for any internship.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.