

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3186

By Delegates Worrell, Dean, Toney, Flanigan, B.
Smith, Bridges, Foggin, Shamblin, Willis, Eldridge,
and Stephens

[Introduced March 06, 2025; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §21-1C-4 and §21-1C-5 of the Code of West Virginia, 1931, as
2 amended, relating to putting West Virginia first; requiring employers that receive a local
3 labor utilization waiver to hire at the same qualifications and rates provided to Workforce
4 West Virginia; clarifying West Virginia Jobs Act applicability to all public improvement
5 construction projects including West Virginia Development Authority pilot projects; and
6 requiring that Division of Labor establish a public database of records from employers
7 performing work on public improvement contracts.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1C. WEST VIRGINIA JOBS ACT.

§21-1C-4. Local labor market utilization on public improvement construction projects; waiver certificates.

1 (a) Employers shall hire at least 75 percent of employees for public improvement
2 construction projects domiciled in the local labor market, to be rounded off, with at least two
3 employees from outside the local labor market permissible for each employer per project.

4 (b) Any employer unable to employ the minimum number of employees from the local labor
5 market shall inform the nearest office of Workforce West Virginia of the number of qualified
6 employees needed and provide a job description with wage rates of the positions to be filled.

7 (c) If, within three business days following the placing of a job order, Workforce West
8 Virginia is unable to refer any qualified job applicants to the employer or refers less qualified job
9 applicants than the number requested, then Workforce West Virginia shall issue a waiver to the
10 employer stating the unavailability of applicants and shall permit the employer to fill any positions
11 covered by the waiver from outside the local labor market using the same qualifications and wage
12 rates that the employer provided Workforce West Virginia under subsection (b) of this section. The
13 waiver shall be in writing and shall be issued within the prescribed three days. A waiver certificate
14 shall be sent to both the employer for its permanent project records and to the public authority.

§21-1C-5. Applicability and scope of article; reporting requirements; public database.

1 (a) This article applies to expenditures for construction projects by any public authority for
2 all public improvements as defined by this article including pilot projects assisted or authorized by
3 the West Virginia Economic Development Authority.

4 (b) For public improvement projects let pursuant to this article, the public authority shall file,
5 or require an employer as defined in §21-1C-2 of this article to file, with the Division of Labor
6 copies of the waiver certificates and certified payrolls, pursuant to §21-5A-1 *et seq.* of this code, or
7 other comparable documents that include the number of employees, the county and state wherein
8 the employees reside and their occupation.

9 (c) The Division of Labor shall compile the information required by this section and submit it
10 annually to the Joint Committee on Government and Finance by October 15th. The joint committee
11 may forward these reports to the Legislative Auditor to review and make comments regarding the
12 usefulness of the information collected and to suggest changes to the division's method of
13 reporting to ensure the information collected will prove useful in evaluating the effectiveness of the
14 provisions of this article.

15 (d) Each public authority has the duty to implement the reporting requirements of this
16 article. Every public improvement contract or subcontract let by a public authority shall contain
17 provisions conforming to the requirements of this article.

18 (e) The Division of Labor is authorized to establish procedures for the efficient collection of
19 data, collection of civil penalties prescribed in §21-1C-6 of this code and transmittal of data to the
20 Joint Committee on Government and Finance.

21 (f) The Division of Labor shall establish and regularly update an online electronic database
22 to archive certified payroll documents submitted to the division under this article. Such database
23 and certified payroll records, redacted to exclude highly sensitive, personal information, shall be
24 accessible to the general public.

NOTE: The purpose of this bill relates to putting West Virginia first. The bill requires

employers that receive a local labor utilization waiver to hire at the same qualifications and rates provided to Workforce West Virginia; clarifies West Virginia Jobs Act applicability to all public improvement construction projects including West Virginia Development Authority pilot projects; and requires that Division of Labor establish a public database of records from employers performing work on public improvement contracts.

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