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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1991

— ● —

# ENROLLED

*Com. Sub. for*

HOUSE BILL No. 2252

(By Mr. *Speaker, Mr. Chambers, and*  
*Delegate Burk*)  
*[By Request of the Executive]*

— ● —

Passed March 9, 1991

In Effect From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 2252**

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE BURK)  
[By Request of the Executive]

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[Passed March 9, 1991; in effect from passage.]

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AN ACT to amend and reenact sections three, four and five, article two-d, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia guaranteed work force program; allowing participation by firms that create at least ten jobs; allowing training assistance to be provided to help in the retention of jobs; providing for the establishment of program requirements allowing for retraining in certain instances; funding; and allowing certain program activities.

*Be it enacted by the Legislature of West Virginia:*

That sections three, four and five, article two-d, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2D. WEST VIRGINIA GUARANTEED WORK FORCE PROGRAM.**

**§5B-2D-3. Training program.**

1     The governor's office of community and industrial  
2     development shall develop a business and industrial

3 training program, the purpose of which is to provide  
4 assistance for new or expanding businesses for the  
5 training, retraining or upgrading of the skills of  
6 potential employees. The program shall emphasize  
7 employee training specifically designed to accommodate  
8 the needs of individual employers. The program shall  
9 encourage the expansion of existing businesses and  
10 industries within the state, promote retention of  
11 businesses and industries within the state, promote  
12 retention of existing jobs within the state, prevent  
13 economic and industrial out-migration, and assist in the  
14 relocation of out-of-state businesses and industries in the  
15 state. Under this program, the governor's office of  
16 community and industrial development may pay up to  
17 one hundred percent or one thousand dollars per  
18 employee, whichever is less, of training costs of new  
19 employees in firms creating at least ten jobs in a one-  
20 year period. Training assistance may also be provided  
21 to existing businesses in cases in which training,  
22 retraining or upgrading services will result in the  
23 retention of existing jobs or the creation of additional  
24 jobs, or both: *Provided*, That the governor's office of  
25 community and industrial development may pay up to  
26 one hundred percent or one thousand dollars per  
27 employee, whichever is less, for the training, retraining  
28 or upgrading. Training costs associated with this  
29 program will be paid directly by the governor's office  
30 of community and industrial development to the  
31 training provider.

32 Provision of training services will depend upon the  
33 employer meeting program requirements as set forth by  
34 the governor's office of community and industrial  
35 development and this article. The state of West Virginia  
36 guarantees if employer satisfaction is not achieved, the  
37 governor's office of community and industrial develop-  
38 ment will carefully review the effectiveness of the  
39 recently completed training plan and program with the  
40 employer and the training provider. After such review,  
41 if the governor's office of community and industrial  
42 development determines that the training program was  
43 inadequate to meet the employer's specifications and  
44 satisfaction as originally agreed to, then those employees

45 so trained shall be eligible for retraining under the  
 46 guarantee provision except when the training program  
 47 curriculum and/or provider were selected solely at the  
 48 discretion of the employer, then no such additional  
 49 training shall be considered or approved: *Provided*, That  
 50 in no instance may the cost of training and retraining  
 51 an employee exceed two thousand dollars.

#### §5B-2D-4. Funds.

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

15 The fund shall consist of all moneys which may be  
 16 transferred to it by the West Virginia Economic  
 17 Development Authority (WVEDA) and also any contri-  
 18 butions, grants or bequests received from federal,  
 19 private or other sources. Appropriations made from the  
 20 funds shall be for the purpose of providing contractual  
 21 services through the governor's office of community and  
 22 industrial development for vocational related training or  
 23 retraining provided by public or private training  
 24 institutions within West Virginia and for contracted  
 25 services through the governor's office of community and  
 26 industrial development for vocational related training,  
 27 retraining or upgrading provided by public or private  
 28 training institutions located outside of West Virginia  
 29 and for vocational related training or retraining  
 30 provided on site, within West Virginia by any training  
 31 provider as defined in this article.

#### §5B-2D-5. Program activities.

1 The primary concern in the provision of training  
 2 services shall be the needs and types of services

3 identified by the employer. A college or university,  
4 community college or area vocational education center  
5 shall be given initial consideration to provide any  
6 training, retraining, or job upgrade training. The  
7 employer will have the opportunity to participate in the  
8 selection of a training provider and training program  
9 curriculum. Training services may begin upon execu-  
10 tion of a written agreement between the governor's  
11 office of community and industrial development and the  
12 employer.

13 Program activities may include, but not be limited to,  
14 the following:

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

17 (b) The recruitment and referral of trainee applicants  
18 to an employer.

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

25 (d) Retraining of employees in response to a techno-  
26 logical change.

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

30 (f) Contracting with persons, public or private educa-  
31 tional institutions, agencies or other bodies for training  
32 or consultative services for an employer.

33 (g) The provision of materials and supplies used in the  
34 training process, instructors with specialized skills,  
35 instructional training aids and equipment, consultative  
36 services relative to highly specific or technical data and  
37 other services.

38 (h) Assisting a foreign employer locating or expand-  
39 ing in this state by familiarizing the employer's foreign  
40 personnel with the work attitudes, work methods,

41 expectations, customs and life style of employees who  
42 work within this state.

43 (i) Taking any other action that is considered to be  
44 necessary or desirable for the furtherance of the  
45 provisions of this article.

46 Funds may not be awarded or reimbursed to any  
47 business or industry for the training, retraining or  
48 upgrading of skills of potential employees with the  
49 purpose of replacing or supplanting employees engaged  
50 in an authorized work stoppage.

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

*Homer Heck*  
-----  
Chairman Senate Committee

*Ernest C. Moore*  
-----  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Russell Eckles*  
-----  
Clerk of the Senate

*Donald D. Kopp*  
-----  
Clerk of the House of Delegates

*Keith Fontette*  
-----  
President of the Senate

*Bob Zell*  
-----  
Speaker of the House of Delegates

The within is approved \_\_\_\_\_ this the *27<sup>th</sup>* \_\_\_\_\_  
day of *March* \_\_\_\_\_, 1991.

*Gaston Caperton*  
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Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 4:20 PM