WEST VIRGINIA CODE: §18-10A-12A

§18-10A-12a. Workers' compensation for clients participating in unpaid work-based training programs.

(a) The workers' compensation commission shall create a classification and calculate a base premium tax rate for clients of the Division of Rehabilitation Services participating in unpaid work-based training programs within integrated community-based settings. The workers' compensation commission shall report to the Division of Rehabilitation Services:

(1) The amount of the base premium tax rate for the class; and

(2) The hourly wages per client to be used to provide the minimum weekly benefits required by section six, article four, chapter twenty-three of this code.

(b) The base premium tax rate reported annually to the Division of Rehabilitation Services by the workers' compensation commission shall not be effective until July 1, and shall remain in effect through the last day of the next June.

(c) The Division of Rehabilitation Services and the participating entity shall be considered the joint employers of record of the clients while the clients are participating in unpaid work-based training programs in integrated community-based settings: Provided, That the participating entity shall not be held responsible for any liability due the workers' compensation commission. The clients shall be considered to be paid the amount of wages sufficient to provide the minimum workers' compensation weekly benefits required by section six, article four, chapter twenty-three of this code.

WV Legislature