WEST VIRGINIA CODE CHAPTER 29 ARTICLE 35

WV Legislature

§29-35-1. Short title; purpose.

(a) This article may be known and cited as the West Virginia Workforce Resiliency Act.

(b) It is the purpose of this article to establish an office within the Office of the Governor to coordinate workforce development, job training, education, and related programs and initiatives across agencies and entities to continue to grow West Virginia's workforce and provide greater options for West Virginians seeking work and West Virginia businesses seeking employees.

WV Legislature

§29-35-2. West Virginia Workforce Resiliency Office.

(a) It is determined that a state authority is necessary to coordinate and better facilitate efforts toward workforce development, job training, education, and resource management between government agencies, private partners, federal programs, and all other entities working to develop, train, and reinvigorate West Virginia's workforce. Therefore, the West Virginia Workforce Resiliency Office is hereby created.

(b) The West Virginia Workforce Resiliency Office shall be organized within the Office of the Governor:

(1) The West Virginia Workforce Resiliency Officer shall be appointed by the Governor with the advice and consent of the Senate;

(2) The West Virginia Workforce Resiliency Officer shall be vested with the authority and duties prescribed to the office within this article; and

(3) The West Virginia Workforce Resiliency Officer shall be a person who has managerial or strategic planning experience in matters relating to workforce development, job training, or related fields.

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§29-35-3. Authority of West Virginia Workforce Resiliency Office and West Virginia Workforce Resiliency Officer.

The West Virginia Workforce Resiliency Officer shall:

(a) Coordinate and work with the Commissioner of WorkForce West Virginia; the Secretary of the Department of Economic Development; the Secretary of the Department of Commerce; the Secretary of the Department of Health and Human Resources; the Secretary of the Department of Tourism; the Chancellor of the Higher Education Policy Commission; the President of West Virginia University; the President of Marshall University; the Director of the West Virginia Economic Development Authority; and such other representatives of private and public partners involved in workforce development as the West Virginia Workforce Resiliency Officer may deem necessary, to facilitate and unify efforts for workforce development, job training, and education of West Virginia's workforce.

(b) Assist in the development, implementation, and management of a common application for workforce development, job training, and wrap-around services available across agencies and programs, which shall be established to ensure that West Virginians encounter no wrongdoer when seeking out services and programs that may be available to them.

(c) Advise the Office of the Governor on the status and overall workforce development landscape across the State of West Virginia and assist in developing policies, plans, and procedures that will ensure that state agencies, private partners, and federal programs are efficiently, effectively, and properly utilized for workforce development across the State of West Virginia.

(d) Propose opportunities for legislative changes to the Office of the Governor that may result in more efficient, effective, and expedient access to programs across the State of West Virginia to improve workforce development.

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§29-35-4. Employees of the office.

(a) The West Virginia Workforce Resiliency Officer shall have the power to hire, administer, and manage employees necessary to fulfill its responsibilities:

(1) All employees will be exempt from both the classified services category and the classified-exempt services category as set forth in §29-6-4 of this code;

(2) Employee positions are contingent upon the receipt of necessary federal and/or state funds;

(3) Each employee hired shall be deemed an at-will employee who may be discharged or released from his or her respective position without cause or reason;

(4) Due to the at-will employment relationship with the office, its employees may not avail themselves of the state grievance procedure as set forth in §6C-2-1 *et seq.* of this code;

(5) Employees may participate in the PEIA, PERS, workers' compensation, and unemployment compensation programs, or their equivalents; and

(6) All employees and officers of the West Virginia Workforce Resiliency Office who are entrusted with funds or property shall execute surety bonds.

(b) The West Virginia Workforce Resiliency Officer will set appropriate salary rates for employees equivalent to a competitive wage rate necessary to support a specific mission.

WV Legislature