WEST VIRGINIA CODE: §5B-2R-2

§5B-2R-2. Definitions.

The words defined in this section have the meanings given to them for purposes of this article unless the context clearly requires otherwise.

"Base wage" means an employee’s average gross weekly wage (or, if paid on a salary basis, the equivalent weekly wage) earned during the six calendar months immediately preceding the commencement of any eligible training pursuant to the Recharge West Virginia Program.

"Department" means the Department of Commerce.

"Division" means the Division of Economic Development.

"Eligible employee" means any person currently employed by a qualifying employer, except for an independent contractor, who:

1. Has resided in West Virginia for the previous six months; and
2. Has had full-time employment for the previous six months.

"Eligible training" means upskilling training that the division determines is eligible for reimbursement under the program.

"New wage" means the employee’s average gross weekly wage (or, if paid on a salary basis, the equivalent weekly wage) earned during the first two full calendar months immediately following completion of the upskilling training.

"Program" means the Recharge West Virginia Program established pursuant to this article.

"Public body" means the State of West Virginia and every officer, agency, department, including the executive, legislative and judicial departments, division, bureau, political subdivision, board and commission thereof; every county and city governing body, school district, special district, municipal corporation, and any board, department, commission, council, or agency thereof; and any other body which is created by state or local authority or which is primarily funded by the state or local authority.

"Qualifying employer" means any employer in this state, except for an employer who is a public body, which is:

(1) Registered with the Secretary of State, except that an employer registered as a foreign nonprofit corporation is not eligible;

(2) Compliant with the West Virginia Unemployment Compensation Law, as evidenced by a letter of good standing from WorkForce West Virginia; and

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3. Physically located in West Virginia.

"Qualifying wage increase" means a new wage that is:

(1) At least 25% greater than the base wage; and

(2) Above the average weekly wage in West Virginia, as determined and published by the

United States Bureau of Labor Statistics.

"Upskill credential" means an industry-recognized credential, or any other credential indicated by a qualifying employer as necessary for improving the skill level of an eligible employee, that:

(1) Verifies an individual’s qualification or competence;

(2) Is issued by an entity with the authority to issue such credential; and

(3) Is obtained as a result of upskilling training received pursuant to the program.

"Upskilling" or "Upskilling training" means specialized technical training to increase the skill levels of an eligible employee to enable the employee to retain employment or advance to a higher level of employment within a company. The term includes, but is not limited to, cross-training, reskilling, leadership development, train-the-trainer programs, and registered apprenticeships.

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