WEST VIRGINIA CODE: §5B-2R-3

§5B-2R-3. Recharge West Virginia Program established.

(a) There is hereby created the Recharge West Virginia Program, to be administered by the Division of Economic Development, to facilitate the upskilling of West Virginia workers; support companies that invest in upskilling their workforces; and recognize and reward companies that train, retain, and advance talent from within.

(b) In any fiscal year in which the Legislature appropriates money for the program, the division may, in accordance with the provisions of this article, reimburse a qualifying employer for the costs of providing upskilling training to an eligible employee who obtains an upskill credential and receives a qualifying wage increase: *Provided*, That a qualifying employer may not be reimbursed more than $10,000 for training provided to any individual employee: *Provided, however,* That no qualifying employer may receive more than $100,000 in any fiscal year pursuant to the provisions of this article.

(c) The division shall design an application form for qualifying employers to apply for an award for reimbursement. The application form shall contain all information that the division deems necessary to fulfill the provisions of this article.

(d) A qualified employer shall complete and submit the application form to be eligible for reimbursement. Each applicant shall include with its application the following:

(1) A proposed upskilling training plan;

(2) A detailed job description and salary range for the position targeted for training;

(3) Proof of the employee's eligibility;

(4) Proof of the eligible employee's current base wage;

(5) The anticipated average gross weekly wage the employee would receive upon completing the proposed upskilling training and obtaining an upskill credential; and

(6) Any other information or documents required by the division.

(e) An employer may participate in and receive reimbursements under both this program and the West Virginia Guaranteed Work Force Program established by §5B-2D-1 *et seq.* of this code, subject to the following limitations:

(1) No employer shall receive reimbursement under both programs for the same training expenditure;

(2) No training program or course for which reimbursement has been made, or for which

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reimbursement is sought, under one program shall be eligible for reimbursement under the other program for the same cost or portion thereof;

(3) As a condition of receiving reimbursement under this program, the employer shall certify, in a form provided by the division, that no claim for reimbursement has been or will be made under another state-funded reimbursement program for the same training expenditure; and

(4) If the division determines that an employer has received duplicate reimbursement in violation of this subsection, the employer shall repay the amount of the duplicate reimbursement, and may be subject to any additional penalties or remedies provided by law.

(f) Applications shall be evaluated by the division at the close of the application period, as determined by the division, and may not be awarded on a first-come, first-served basis. The division may make preliminary awards for reimbursement only after the application period has closed. The division shall evaluate all applications submitted by qualifying employers on a competitive basis using the following criteria:

(1) The pledged wage increase the employee will realize after obtaining the upskill credential in relation to the cost of obtaining the upskill credential;

(2) The level of economic distress in the qualifying employer's region and the balance of awards made to the various regions of the state;

(3) The contribution made by the qualifying employer toward the cost of obtaining the upskill credential; and

(4) Employer actions relating to prior awards granted pursuant to this article and described in subsection (k) of this section.

(g) Upon the division determining to grant an employer a preliminary award for reimbursement, the division shall provide the employer with a training agreement, designed by the division, which shall serve as the formal grant agreement. An employer must sign and return this agreement to remain eligible to receive reimbursement.

(h) Upon being given a preliminary award for reimbursement under this section, each qualifying employer shall sponsor a current employee to obtain an upskill credential within six months of the preliminary award. A current employee shall not commence the process of obtaining the upskill credential until after a preliminary award has been made.

(i) To receive the reimbursement, the qualifying employer shall provide to the division proof of the following:

(1) The date on which the approved upskilling training began;

(2) The date on which the approved upskilling training ended;

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(3) The upskill credential received by the employee;

(4) The total cost of providing the upskilling training to the eligible employee;

(5) The amount paid by the qualifying employer toward the cost of obtaining the upskill credential; and

(6) Payroll records verifying that the employee received a qualifying wage increase after obtaining the upskill credential.

(j) If the division is satisfied that the eligible employee has obtained the upskill credential and that all requirements of this section have been met, then the division shall grant the qualifying employer the reimbursement indicated in the preliminary award.

(k) For two years after the date on which a reimbursement award is received, the employer that has received reimbursement shall notify the division if the employer subsequently reduces the wages of the employee who had received the qualifying wage increase. The employer must explain, to the extent permitted by law, the reason for the wage reduction to the division. If the division determines that an employer has reduced wages without a legitimate justification, then the division may take that determination into consideration if that employer subsequently submits another application for reimbursement.

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