

REGULAR SESSION, 1960

SENATE BILL NO. 40

Originating in the Senate Committee Finance
(By Mr.)

PASSED.....February 11,.....1960

In Effect.....*From*.....Passage



Filed in: Office of the Secretary of State
of West Virginia
FEB 17 1960
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 40

(Originating in the Committee on Finance)

[Passed February 11, 1960; in effect from passage.]

AN ACT to amend chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article designated article six-a, relating to the employment of and relief for financially needy unemployed persons upon public improvement projects, making provision for their eligibility, selection and payment, providing opportunities for review and hearing and making certain acts relating to the administration of this article criminal offenses and establishing penalties therefor.

Be it enacted by the Legislature of West Virginia:

That chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding

thereto a new article designated article six-a, to read as follows:

Section 1. *Purpose*.—The purpose of this article is to
2 provide relief for unemployed persons and to establish a
3 program for the selection and utilization of unemployed
4 persons for work upon public improvement projects, not
5 to include state road projects, the appropriations for
6 which may be conditioned upon their expenditure in conformity with the provisions of this article.

Sec. 1-a. *Definition*.—The term “public improvement
2 project” as used herein shall be deemed to include, but
3 shall not be limited to, those projects authorized for a
4 state economic recovery program or state temporary economic
5 program to be carried out by the conservation
6 commissioner, the vocational division of the state board
7 of education and the department of agriculture.

Sec. 2. *Eligibility*.—A person eligible to work upon a
2 public improvement project under the program herein
3 established shall be an unemployed resident of this state
4 who has resided in the state for at least six months preceding the application and is the head of a family unit,

6 who is not an inmate of a public institution (except as a
7 patient in a medical institution), who is not a patient in
8 an institution for tuberculosis or mental disease, who is
9 in actual need and has not sufficient income or other
10 resources to provide subsistence compatible with good
11 health standards, and who is not receiving any public or
12 general assistance cash grants.

Sec. 3. *Application.*—Any person desiring to work upon
2 a public improvement project under the program shall
3 file with the office of the department of employment se-
4 curity for the area wherein he resides an application upon
5 which he shall state, in addition to such other information
6 as may be required, the matters relating to his eligibility
7 under the preceding section and his willingness to work
8 at the rate of one dollar per hour upon public improve-
9 ment projects within his said area. The department of
10 employment security shall prescribe the form of applica-
11 tion, but such form shall not indicate the race, color,
12 creed, religious affiliation or preference or the political
13 registration or activities of the applicant or any other per-
14 son, and no inquiry shall be made or consideration given to

15 any of such matters in the selection of any person to work
16 upon a public improvement project under the program.

Sec. 4. *Investigation.*—The area office of the department of employment security shall transmit the name and address of each applicant to the particular county office of the department of public assistance in the county where the applicant resides. The county director of public assistance in charge of such county office shall cause to be made such investigation as may be required to verify with reasonable certainty the matters relating to the eligibility of the applicant and to reveal the details of the financial situation of the applicant and his or her legally responsible relatives as defined in section five, article eleven, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and shall then transmit to the county council of the department of public assistance for the county in which the applicant resides the information revealed by such investigation.

Sec. 5. *Examination and Decision by County Council.*—

2 Upon receipt of such information, the county council

3 shall approve or reject the application. The names of
4 those persons whose applications are approved by the
5 county council shall be placed upon a list of approved
6 applicants in the relative priority of position that the
7 county council shall determine his financial need justifies.
8 The county council shall give priority in such listing to
9 approved applicants found by it to have the greatest
10 financial need, shall revise such list periodically, and
11 furnish a copy thereof to the local department of public
12 assistance offices within the county.

Sec. 6. *Review and Hearing.*—An applicant for work
2 under this article shall have such opportunities for a re-
3 view of and hearing upon matters relating to his eligi-
4 bility for work and participation in the work program
5 established herein as are afforded an applicant for or
6 recipient of public assistance under article five of chapter
7 nine of this code.

Sec. 7. *Employment on Public Improvement Projects.*—
2 When workers are required upon any public improvement
3 project, the appropriations for which are conditioned
4 upon their expenditure in conformity with this article,

5 the representative of the department or agency who has
6 immediate local authority over the work to be performed
7 shall inform the person in charge of the local department
8 of public assistance office having authority over the area
9 where such work is to be performed of the number of
10 persons required, specifying whether male and/or female,
11 and the time and place of such work. Upon receipt of
12 such request for workers, the person in charge of the local
13 department of public assistance office involved shall give
14 notice in writing of the time and place of work to ap-
15 proved applicants upon the current list thereof equal to
16 the number of workers required, selecting such applicants
17 in the priority sequence established as hereinbefore pro-
18 vided. If an applicant so notified does not appear for
19 work, additional approved applicants may be notified in
20 like manner for employment at such work. If an approved
21 applicant shall have been notified to report and without
22 justifiable cause shall have failed to report on two dif-
23 ferent occasions for work in the area wherein he resides,
24 his name shall be placed at the bottom of the list of ap-
25 proved applicants.

26 In the event there is not a sufficient number of eligible
27 applicants in the area, then the person in charge of the
28 local department of public assistance office involved, may
29 go to another area for eligible applicants in order to
30 furnish the required number: *Provided, however, That*
31 if there is not a sufficient number of eligible applicants
32 in the area in which the public improvement project is
33 located then the local supervisor of the state agency con-
34 ducting said project may employ such persons as he may
35 deem necessary.

Sec. 8. *Wages of Employees Selected for Public Im-*
2 *provement Projects.*—No approved applicant working
3 upon a public improvement project subject to the pro-
4 visions of this article shall be paid at a rate of other than
5 one dollar per hour for work performed, for more than
6 thirty hours work per week, or in excess of one thousand
7 two hundred dollars in any one calendar year. Where
8 work is performed by an approved applicant for a total
9 time involving a fraction of an hour, he shall be paid for
10 such fraction an amount equal to a like fraction of one
11 dollar. The local supervisor of the state agency conduct-


12 ing the public improvement project who has the immedi-
13 ate supervision thereof shall not less frequently than
14 monthly cause to be prepared and shall certify as correct
15 a payroll in the form usually otherwise employed by such
16 agency, listing the approved applicants who have per-
17 formed work on any such projects within the time period
18 covered by said payroll, the particulars thereof, and the
19 amount to which each is entitled therefor at the rate of
20 one dollar per hour. Each such person entitled to pay
21 shall be paid not less frequently than monthly by a
22 warrant of the state signed by its auditor and its treasurer.

Sec. 9. *Penalties.*—Any person who shall knowingly
2 prepare or knowingly cause to be prepared any payroll or
3 voucher or warrant with the intent to obtain pay for any
4 person contrary to the provisions of this article, or know-
5 ingly aids, assists, procures or solicits the same to be done,
6 or who shall knowingly disburse, or knowingly receive
7 a disbursement of, or knowingly cause or attempt to be
8 caused to be disbursed, contrary to the provisions of this
9 article, any funds subject to the provisions thereof, or
10 knowingly aid, assist, procure or solicit the same to be

11 done, shall be guilty of a felony, and upon conviction
12 thereof shall be imprisoned for not less than one nor not
13 more than five years, and, in the discretion of the court,
14 fined an amount not to exceed one thousand dollars.

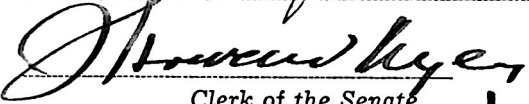
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee


Chairman House Committee


Originated in the Senate.

Takes effect from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker House of Delegates

The within disapproved this the 17th
day of February, 1960.


Governor

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of West Virginia **FEB 17 1960**

JOE F. BURDETT
SECRETARY OF STATE