WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1960

ENROLLED

SENATE BILL NO. 40

(BY MR. (Originated in the Senate Committee on Finance))

PASSED February 16, 1960

In Effect 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 provide relief for unemployed persons and to establish a program for the selection and utilization of unemployed persons for work upon public improvement projects, not to include state road projects, the appropriations for which may be conditioned upon their expenditure in conformity with the provisions of this article.

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

Sec. 2. *Eligibility.*—A person eligible to work upon a public improvement project under the program herein established shall be an unemployed resident of this state who has resided in the state for at least six months preceding the application and is the head of a family unit,
who is not an inmate of a public institution (except as a patient in a medical institution), who is not a patient in an institution for tuberculosis or mental disease, who is in actual need and has not sufficient income or other resources to provide subsistence compatible with good health standards, and who is not receiving any public or general assistance cash grants.

Sec. 3. Application.—Any person desiring to work upon a public improvement project under the program shall file with the office of the department of employment security for the area wherein he resides an application upon which he shall state, in addition to such other information as may be required, the matters relating to his eligibility under the preceding section and his willingness to work at the rate of one dollar per hour upon public improvement projects within his said area. The department of employment security shall prescribe the form of application, but such form shall not indicate the race, color, creed, religious affiliation or preference or the political registration or activities of the applicant or any other person, and no inquiry shall be made or consideration given to
any of such matters in the selection of any person to work
upon a public improvement project under the program.

Sec. 4. Investigation.—The area office of the depart-
ment 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 pub-
lic 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 depart-
ment of public assistance for the county in which the
applicant resides the information revealed by such in-
vestigation.

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

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

Sec. 6. Review and Hearing.—An applicant for work under this article shall have such opportunities for a review of and hearing upon matters relating to his eligibility for work and participation in the work program established herein as are afforded an applicant for or recipient of public assistance under article five of chapter nine of this code.

Sec. 7. Employment on Public Improvement Projects.—When workers are required upon any public improvement project, the appropriations for which are conditioned upon their expenditure in conformity with this article,
the representative of the department or agency who has immediate local authority over the work to be performed shall inform the person in charge of the local department of public assistance office having authority over the area where such work is to be performed of the number of persons required, specifying whether male and/or female, and the time and place of such work. Upon receipt of such request for workers, the person in charge of the local department of public assistance office involved shall give notice in writing of the time and place of work to approved applicants upon the current list thereof equal to the number of workers required, selecting such applicants in the priority sequence established as hereinbefore provided. If an applicant so notified does not appear for work, additional approved applicants may be notified in like manner for employment at such work. If an approved applicant shall have been notified to report and without justifiable cause shall have failed to report on two different occasions for work in the area wherein he resides, his name shall be placed at the bottom of the list of approved applicants.
In the event there is not a sufficient number of eligible applicants in the area, then the person in charge of the local department of public assistance office involved, may go to another area for eligible applicants in order to furnish the required number: Provided, however, That if there is not a sufficient number of eligible applicants in the area in which the public improvement project is located then the local supervisor of the state agency conducting said project may employ such persons as he may deem necessary.

Sec. 8. Wages of Employees Selected for Public Improvement Projects.—No approved applicant working upon a public improvement project subject to the provisions of this article shall be paid at a rate of other than one dollar per hour for work performed, for more than thirty hours work per week, or in excess of one thousand two hundred dollars in any one calendar year. Where work is performed by an approved applicant for a total time involving a fraction of an hour, he shall be paid for such fraction an amount equal to a like fraction of one dollar. The local supervisor of the state agency conduct-
ing the public improvement project who has the immediate supervision thereof shall not less frequently than monthly cause to be prepared and shall certify as correct a payroll in the form usually otherwise employed by such agency, listing the approved applicants who have performed work on any such projects within the time period covered by said payroll, the particulars thereof, and the amount to which each is entitled therefor at the rate of one dollar per hour. Each such person entitled to pay shall be paid not less frequently than monthly by a warrant of the state signed by its auditor and its treasurer.

Sec. 9. Penalties.—Any person who shall knowingly prepare or knowingly cause to be prepared any payroll or voucher or warrant with the intent to obtain pay for any person contrary to the provisions of this article, or knowingly aids, assists, procures or solicits the same to be done, or who shall knowingly disburse, or knowingly receive a disbursement of, or knowingly cause or attempt to be caused to be disbursed, contrary to the provisions of this article, any funds subject to the provisions thereof, or knowingly aid, assist, procure or solicit the same to be
done, shall be guilty of a felony, and upon conviction thereof shall be imprisoned for not less than one nor not more than five years, and, in the discretion of the court, 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

Eudora Andrews
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 is approved this the 17th day of February, 1960.

Governor

Filed in Office of the Secretary of State of West Virginia

FEB 17 1960

JOE F. BURDETT
SECRETARY OF STATE