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WEST VIRGINIA LEGISLATURE

REGULAR SESSION 1983

FIRST EXTRAORDINARY SESSION, 1983

ENROLLED

SENATE BILL NO. 16

(By to Committee on Finance)

PASSED June 2, 1983

In Effect from Passage



ENROLLED

Senate Bill No. 16

(Originating in the Committee on Finance)

[Passed June 2, 1983; in effect from passage.]

AN ACT to amend chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article two-a, relating to an emergency employment supplemental matching program; declaring legislative findings and public purpose; defining certain terms; providing for administration by the commissioner of the department of employment security; providing for funding as made available by legislative appropriation; providing for applications to be furnished eligible unemployed persons and private business prospective employers, and notice to both to be given statewide; providing for matching reimbursement payments to employers, calculation, duration, limits and maximums thereof; and providing for promulgation of permissive and required regulations by commissioner.

Be it enacted by the Legislature of West Virginia:

That chapter twenty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article two-a, all to read as follows:

**ARTICLE 2A. EMERGENCY EMPLOYMENT SUPPLEMENTAL
MATCHING PROGRAM.**

§21A-2A-1. Legislative declaration of finding and purpose.

1 The Legislature hereby finds and declares that, due to
2 adverse economic conditions existing in the state,
3 substantial unemployment of the residents of the state has
4 resulted and continues, all to the detriment of its people, its
5 business and industry and of the health, safety and welfare
6 of the state as a whole.

7 The Legislature further finds and declares that the
8 stimulation and encouragement of, and the providing of
9 incentive and inducement for, employment by private
10 business in the private sector is of greater long-term benefit
11 to the state than is public, make-work employment; that it
12 constitutes a wiser expenditure of public moneys, aids in
13 the economic recovery of our private business and industry,
14 the employment of our people, the generation of state
15 revenues, and the advancement of the health, safety and
16 welfare of the state as a whole; and thus constitutes a public
17 purpose.

§21A-2A-2. Definitions.

1 For the purposes of this article the following terms shall
2 have the following meanings, unless the context in which
3 they are used clearly indicates otherwise:

4 (1) "Commissioner" means the commissioner of the
5 department of employment security.

6 (2) "Private business" means any nongovernmental
7 business or industry in the private sector which maintains
8 an active, bona fide place of business in this state, is duly
9 qualified to do business in the state, and is in good standing
10 under the laws of this state.

11 (3) "Eligible unemployed person" means any person
12 who is a bona fide resident of this state who has been
13 eligible for unemployment compensation benefits and has
14 received all the benefits available to him or her, and who is
15 not gainfully employed.

16 (4) "Head of household" means any person who: (1)
17 Claims one or more persons, other than the filing taxpayer,
18 as a dependent on his or her federal income tax return; (2)
19 has living in the same household one or more dependents;
20 and (3) receives no income for the household and does not

21 have a spouse or dependent living in the same household
22 who is employed in regular full-time employment:
23 *Provided*, That participation in any public assistance
24 program or receipt of public assistance benefits shall not
25 disqualify any person from entitlement to head of
26 household status.

**§21A-2A-3. Application for employment by eligible
unemployed person; forms and notice.**

1 Any person who is an eligible unemployed person as
2 defined in section two of this article may apply for
3 employment in the emergency employment supplemental
4 matching program by making application with the
5 commissioner on forms made available by the
6 commissioner at each local job service office: *Provided*,
7 That nothing contained in this section shall be construed to
8 permit funds under this program to be used to interfere or
9 hinder existing employment or employment agreements
10 including, but not limited to, collective bargaining
11 agreements. Funds may not be used in instances where
12 work stoppages resulting from labor management disputes
13 are in effect.

14 The form furnished by the commissioner shall provide for
15 listing the eligible unemployed person's prior work
16 experience, skills, educational history, and such other
17 information as the commissioner deems necessary for the
18 purposes of this article. Priority for employment under this
19 program shall be given to eligible unemployed persons who
20 are heads of households.

21 The commissioner, within fifteen days after the effective
22 date of legislation appropriating funds for the
23 implementation of this article, shall cause to be published a
24 statewide notice of the availability of such application
25 forms under the emergency employment supplemental
26 matching program.

**§21A-2A-4. Notice to private business employers; applications
for prospective employers.**

1 The commissioner, within fifteen days after the effective
2 date of legislation appropriating funds for the
3 implementation of this article, shall publish statewide a
4 notice to private business employers of the opportunity to
5 employ eligible unemployed persons as provided for under
6 this article.

7 Any private business, as defined in section two of this
8 article, seeking to employ eligible unemployed persons may
9 make application at any local job service office on forms to
10 be supplied by the commissioner. Such forms shall provide
11 space for a listing of the nature of the employment position
12 available and the minimum experience, skills and
13 educational requirements therefor. The form shall also
14 provide space for an affidavit by the employer that the
15 employment position to be filled is not being used in lieu of
16 the recall of laid off workers, to replace existing employees
17 or to supplement the compensation paid existing
18 employees. This affidavit shall also contain a statement by
19 the private business employer that there is a reasonable
20 expectation that this employment may continue beyond the
21 end of the six-month reimbursement period provided for
22 under this article. At each job service office of the
23 department of employment security, the commissioner
24 shall cause to be compiled a list of job openings under this
25 program. The list shall be available for inspection by any
26 eligible unemployed person applying for employment
27 hereunder. The commissioner is authorized to require, prior
28 to approval of an application by an employer, examination
29 of such records and documents of the employer as the
30 commissioner may deem necessary to ensure the
31 correctness and truthfulness of the employer's affidavit.

**§21A-2A-5. Payments to private business employers;
maximums.**

1 The commissioner shall reimburse private business
2 employers of eligible unemployed persons from funds
3 appropriated and made available by the Legislature to the
4 commissioner. Such reimbursement shall equal one half of
5 the employer's prevailing starting hourly wage for each
6 person employed under the provisions of this article, but the
7 state's share of the total reimbursement shall not exceed the
8 federal hourly minimum wage. The work week shall not
9 exceed forty hours per week, per eligible employee, nor
10 shall any reimbursement extend for a period longer than six
11 months. In addition to the compensation provided under
12 the emergency employment supplemental matching
13 program to the employee, each private business employer
14 shall pay an additional sum to each such employee of not
15 less than one half the employer's prevailing starting hourly

16 wage plus applicable costs for each such employee of
17 payments for workers' compensation and employer social
18 security requirements. Any employment and
19 reimbursement provided for in this section shall be agreed
20 to in writing by the employer, the prospective employee and
21 the commissioner prior to such employee's actual
22 employment.

23 The commissioner shall provide by rule and regulation:
24 The total number of employees who may be employed by
25 any single private business employer under this program,
26 the total number of employees who may be employed under
27 the entire program and the priority preference to be given
28 eligible unemployed persons who are heads of households.

29 The commissioner may promulgate such rules and
30 regulations, not inconsistent with the provisions of this
31 article, as may be deemed necessary by him to provide for
32 proper administration of this article.

33 Any funds appropriated for this program which have not
34 been committed for private sector employment purposes
35 within a reasonable period of time determined by the
36 commissioner to be necessary for implementation of this
37 article shall be redistributed for public employment
38 purposes: *Provided*, That this is consistent with the
39 language of the legislative appropriation making the funds
40 available.

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

James L. Davis
.....
Chairman Senate Committee

Ronald Anello
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Loed C. Vail
.....
Clerk of the Senate

Donald D. Kopp
.....
Clerk of the House of Delegates

Warner P. McBrat
.....
President of the Senate

John M. Lee Jr.
.....
Speaker House of Delegates

The within *is approved* this the *14*
day of *June*, 1983.

..... *Robert D. Rouse*
Governor

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SECY. OF STATE