

No. 712

WEST VIRGINIA LEGISLATURE

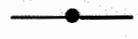
REGULAR SESSION, 1988



ENROLLED

SENATE BILL NO. 712

(By Senators Whitlaw & Parker)



PASSED March 11, 1988

In Effect 90 days from Passage



ENROLLED
Senate Bill No. 712
(BY SENATORS WHITLOW AND PARKER)

[Passed March 11, 1988; in effect ninety days from passage.]

AN ACT to authorize the Mercer County commission to create the Mercer County Labor-Management Advisory Council; appointment, terms, vacancies, chairman, quorum of the labor-management council; objective of the council; providing powers, duties and functions of the council; and requiring annual reports.

Be it enacted by the Legislature of West Virginia:

MERCER COUNTY LABOR-MANAGEMENT ADVISORY COUNCIL.

§1. Appointment, terms, vacancies, chairman, quorum of the labor-management council.

1 The county commission of Mercer County is hereby
2 authorized to create the Mercer County labor-management
3 advisory council. The council shall consist of twelve
4 members appointed in the following manner: three
5 members shall be appointed who have been nominated by
6 the chambers of commerce in Mercer County; one member
7 shall be appointed who has been nominated by the members
8 of the West Virginia Manufacturers Association in Mercer
9 County; four members shall be appointed who have been
10 nominated by the labor unions in Mercer County; one
11 person shall be appointed who has been nominated by the
12 Mercer County Economic Development Authority; one

13 person shall be appointed who has been nominated by the
14 presidents of the institutions of higher education located in
15 Mercer County; one person shall be appointed who has been
16 nominated by the organizations of public school teachers
17 and service personnel in Mercer County; and one
18 appointment shall be made at large. The at-large member of
19 the council shall serve as chairman of the council and shall
20 have no vote except to break a tie.

21 Of the first appointments, two of those nominated by the
22 labor unions and two of those nominated by the chambers of
23 commerce shall serve for a term of one year; one member
24 nominated by the chambers of commerce, the member
25 nominated by the Mercer County members of the West
26 Virginia Manufacturers Association, and two members
27 nominated by labor unions shall serve for a term of two
28 years; and the four remaining members shall serve for a
29 term of three years. As the terms of those members first
30 appointed expire, those appointed to succeed them shall be
31 nominated by the same organizations as the original
32 members and shall be appointed for terms of three years.

33 If members resign before the completion of their terms,
34 the commission shall ask for nominations in the same
35 manner as the original appointments and shall fill the
36 unexpired term within sixty days of the occurrence of the
37 vacancy.

38 The council shall meet at least four times each year and at
39 other times on call of the chairman or a majority of the
40 members. A majority of members of the council shall
41 constitute a quorum for the transaction of business.

§2. Objectives of the council.

1 It is the objective of this article to improve labor-
2 management relations within Mercer County, in order both
3 to improve the present convenience, economic development
4 and welfare of the citizens of Mercer County, and to attract
5 and encourage new and existing industry in the state. To
6 this end, the council shall act as advisor and consultant to
7 the county commission, and to labor and management
8 within Mercer County, to promote better labor-
9 management relations within Mercer County; develop and
10 encourage methods of improved communications and
11 mutual respect between labor and management; endeavor
12 to narrow ideological differences between labor and

13 management; develop and encourage innovative
14 techniques to resolve labor-management conflicts through
15 cooperative teamwork rather than confrontation; and
16 encourage both labor and management to recognize their
17 common ground and common purpose.

§3. Powers, duties and functions of the council; annual reports.

1 On or before the first day of September, one thousand
2 nine hundred eighty-nine, the council shall submit to the
3 county commission a preliminary plan for the
4 implementation of programs designed to improve labor-
5 management relations and economic development within
6 Mercer County. Such plan shall include, but need not be
7 limited to, programs to:

8 (a) Conduct seminars and other programs designed to
9 promote better labor-management relations and greater
10 productivity, including the provision of training in
11 specialized skills required by management and by employee
12 representatives, in cooperation with institutions of higher
13 and secondary education within Mercer County;

14 (b) Develop a resource network through which labor
15 and management can be made aware of available experts
16 and other resources for resolving labor-management
17 disputes and improving labor-management relations;

18 (c) Develop a method of compiling, analyzing and
19 publicizing fair and honest information about the
20 characteristics of the work force in Mercer County,
21 including its productivity and loyalty, in cooperation with
22 other county or state agencies and educational institutions;

23 (d) Conduct and publicize, in cooperation with the West
24 Virginia labor-management advisory council, case studies
25 which identify examples of successful business operations
26 in the state with excellent labor-management relations, and
27 which document the specific characteristics of labor-
28 management relations in each such business;

29 (e) Establish forums for dialogue between labor and
30 management;

31 (f) Hold public hearings, and solicit comment and
32 suggestions from interested parties and the public in
33 general, concerning the development of a long-term plan
34 for improving labor-management relations within the
35 county;

36 (g) Develop a long-term plan for improving labor-
37 management relations within the county;

38 (h) Submit a preliminary operation report to the county
39 commission by the first day of September, one thousand
40 nine hundred eighty-nine, at such other times as the council
41 may find desirable, or as directed by the commission, which
42 report shall reflect the plan of operation of the council and
43 contain such recommendations as it shall see fit as to
44 structure, functions and financing; and

45 (i) Cooperate with other agencies, organizations and
46 institutions, both public and private, and in particular with
47 institutions of higher and secondary education within the
48 county and state and with regional advisory committees
49 established in performing the duties and functions of the
50 council and is authorized to enter into agreements with any
51 such agencies, organizations and institutions for the
52 purpose of carrying out the provisions of this article.

53 The council is authorized and empowered to apply for,
54 receive and utilize appropriations, gifts, bequests or grants,
55 in money or in kind, from any person, organization,
56 governmental agency or entity whatsoever to assist in
57 achieving the public purposes of this article. The council
58 may decline to receive gifts, bequests or grants from private
59 sources which are restricted in a manner which to the
60 opinion of the council would benefit either labor or
61 management over the other. All funds received by the
62 council shall be deposited with the county treasurer of
63 Mercer County and dispersed by the council to be used
64 exclusively for carrying out the provisions of this article:
65 *Provided*, That any appropriations, gifts, bequests or grants
66 received by the council with any restriction or restrictions
67 on the use thereof shall be expended by the council in
68 accordance with such restriction or restrictions.

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

Gene O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Hallie
.....
Clerk of the Senate

Donald J. Popp
.....
Clerk of the House of Delegates

Don Torbert
.....
President of the Senate

Ed. Clabon
.....
Speaker House of Delegates

The within *Approved* this the *25th*
day of *March* 1988.
Luva. P. P. P.
.....
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/88

Time 3:57 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE