WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

ENROLLED

SENATE BILL NO. 712

(By Senators Whitley & Pearson)

PASSED March 11, 1988

In Effect 90 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 authorized to create the Mercer County labor-management advisory council. The council shall consist of twelve members appointed in the following manner: three members shall be appointed who have been nominated by the chambers of commerce in Mercer County; one member shall be appointed who has been nominated by the members of the West Virginia Manufacturers Association in Mercer County; four members shall be appointed who have been nominated by the labor unions in Mercer County; one person shall be appointed who has been nominated by the Mercer County Economic Development Authority; one
person shall be appointed who has been nominated by the
presidents of the institutions of higher education located in
Mercer County; one person shall be appointed who has been
nominated by the organizations of public school teachers
and service personnel in Mercer County; and one
appointment shall be made at large. The at-large member of
the council shall serve as chairman of the council and shall
have no vote except to break a tie.

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

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

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

§2. Objectives of the council.

It is the objective of this article to improve labor-
management relations within Mercer County, in order both
to improve the present convenience, economic development
and welfare of the citizens of Mercer County, and to attract
and encourage new and existing industry in the state. To
this end, the council shall act as advisor and consultant to
the county commission, and to labor and management
within Mercer County, to promote better labor-
management relations within Mercer County; develop and
encourage methods of improved communications and
mutual respect between labor and management; endeavor
to narrow ideological differences between labor and
management; develop and encourage innovative
techniques to resolve labor-management conflicts through
cooperative teamwork rather than confrontation; and
courage both labor and management to recognize their
common ground and common purpose.

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

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

(a) Conduct seminars and other programs designed to
promote better labor-management relations and greater
productivity, including the provision of training in
specialized skills required by management and by employee
representatives, in cooperation with institutions of higher
and secondary education within Mercer County;
(b) Develop a resource network through which labor
and management can be made aware of available experts
and other resources for resolving labor-management
disputes and improving labor-management relations;
(c) Develop a method of compiling, analyzing and
publicizing fair and honest information about the
characteristics of the work force in Mercer County,
including its productivity and loyalty, in cooperation with
other county or state agencies and educational institutions;
(d) Conduct and publicize, in cooperation with the West
Virginia labor-management advisory council, case studies
which identify examples of successful business operations
in the state with excellent labor-management relations, and
which document the specific characteristics of labor-
management relations in each such business;
(e) Establish forums for dialogue between labor and
management;
(f) Hold public hearings, and solicit comment and
suggestions from interested parties and the public in
general, concerning the development of a long-term plan
for improving labor-management relations within the
county;
Develop a long-term plan for improving labor-management relations within the county;

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

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

The council is authorized and empowered to apply for, receive and utilize appropriations, gifts, bequests or grants, in money or in kind, from any person, organization, governmental agency or entity whatsoever to assist in achieving the public purposes of this article. The council may decline to receive gifts, bequests or grants from private sources which are restricted in a manner which to the opinion of the council would benefit either labor or management over the other. All funds received by the council shall be deposited with the county treasurer of Mercer County and dispersed by the council to be used exclusively for carrying out the provisions of this article:

Provided, That any appropriations, gifts, bequests or grants received by the council with any restriction or restrictions on the use thereof shall be expended by the council in accordance with such restriction or restrictions.
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.

In effect ninety days 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 25th day of March 1988.

Governor