WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1991

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ENROLLED
Com. Sub. for
HOUSE BILL No. 2252

(By Mr. Speaker, Mr. Chambers, and Delegate Bebb)
Passed March 9, 1991
In Effect From Passage
AN ACT to amend and reenact sections three, four and five, article two-d, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the West Virginia guaranteed work force program; allowing participation by firms that create at least ten jobs; allowing training assistance to be provided to help in the retention of jobs; providing for the establishment of program requirements allowing for retraining in certain instances; funding; and allowing certain program activities.

Be it enacted by the Legislature of West Virginia:

That sections three, four and five, article two-d, chapter five-b of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2D. WEST VIRGINIA GUARANTEED WORK FORCE PROGRAM.

§5B-2D-3. Training program.

1 The governor's office of community and industrial development shall develop a business and industrial
training program, the purpose of which is to provide assistance for new or expanding businesses for the training, retraining or upgrading of the skills of potential employees. The program shall emphasize employee training specifically designed to accommodate the needs of individual employers. The program shall encourage the expansion of existing businesses and industries within the state, promote retention of businesses and industries within the state, promote retention of existing jobs within the state, prevent economic and industrial out-migration, and assist in the relocation of out-of-state businesses and industries in the state. Under this program, the governor's office of community and industrial development may pay up to one hundred percent or one thousand dollars per employee, whichever is less, of training costs of new employees in firms creating at least ten jobs in a one-year period. Training assistance may also be provided to existing businesses in cases in which training, retraining or upgrading services will result in the retention of existing jobs or the creation of additional jobs, or both: Provided, That the governor's office of community and industrial development may pay up to one hundred percent or one thousand dollars per employee, whichever is less, for the training, retraining or upgrading. Training costs associated with this program will be paid directly by the governor's office of community and industrial development to the training provider.

Provision of training services will depend upon the employer meeting program requirements as set forth by the governor's office of community and industrial development and this article. The state of West Virginia guarantees if employer satisfaction is not achieved, the governor's office of community and industrial development will carefully review the effectiveness of the recently completed training plan and program with the employer and the training provider. After such review, if the governor's office of community and industrial development determines that the training program was inadequate to meet the employer's specifications and satisfaction as originally agreed to, then those employees
so trained shall be eligible for retraining under the
guarantee provision except when the training program
curriculum and/or provider were selected solely at the
discretion of the employer, then no such additional
training shall be considered or approved: Provided, That
in no instance may the cost of training and retraining
an employee exceed two thousand dollars.

§5B-2D-4. Funds.

1 The funds made available by this section shall
2 supplement but not displace funds available through
3 existing programs conducted by employers themselves
4 and public programs such as the Job Training Partner-
5 ship Act (JTPA), the Carl D. Perkins Vocational
6 Education Act, the Stewart B. McKinney Homeless
7 Assistance Act, and the JOBS Act, or apportionment
8 fund allocated to the community colleges, regional
9 occupational centers and programs, or other local
10 educational agencies. In addition, it is further the
11 intention of the Legislature that the program estab-
12 lished pursuant to this section shall not replace, parallel,
13 supplant, compete with, or duplicate in any way
14 existing, approved apprenticeship programs.

15 The fund shall consist of all moneys which may be
16 transferred to it by the West Virginia Economic
17 Development Authority (WVEDA) and also any contri-
18 butions, grants or bequests received from federal,
19 private or other sources. Appropriations made from the
20 funds shall be for the purpose of providing contractual
21 services through the governor's office of community and
22 industrial development for vocational related training or
23 retraining provided by public or private training
24 institutions within West Virginia and for contracted
25 services through the governor's office of community and
26 industrial development for vocational related training,
27 retraining or upgrading provided by public or private
28 training institutions located outside of West Virginia
29 and for vocational related training or retraining
30 provided on site, within West Virginia by any training
31 provider as defined in this article.

§5B-2D-5. Program activities.

1 The primary concern in the provision of training
2 services shall be the needs and types of services
identified by the employer. A college or university, community college or area vocational education center shall be given initial consideration to provide any training, retraining, or job upgrade training. The employer will have the opportunity to participate in the selection of a training provider and training program curriculum. Training services may begin upon execution of a written agreement between the governor's office of community and industrial development and the employer.

Program activities may include, but not be limited to, the following:

(a) The performance of a job skills analysis and the designing of a training curriculum for an employer.

(b) The recruitment and referral of trainee applicants to an employer.

(c) The provision of off site preemployment training to prospective employees of a new or expanding business or industry or to existing employees for purposes of retraining or upgrading; Provided, That on site preemployment training may be provided if off site preemployment training is not practical.

(d) Retraining of employees in response to a technological change.

(e) The provision of job upgrade training, if the training will retain or increase the employer's total work force.

(f) Contracting with persons, public or private educational institutions, agencies or other bodies for training or consultative services for an employer.

(g) The provision of materials and supplies used in the training process, instructors with specialized skills, instructional training aids and equipment, consultative services relative to highly specific or technical data and other services.

(h) Assisting a foreign employer locating or expanding in this state by familiarizing the employer's foreign personnel with the work attitudes, work methods,
expectations, customs and life style of employees who work within this state.

(i) Taking any other action that is considered to be necessary or desirable for the furtherance of the provisions of this article.

Funds may not be awarded or reimbursed to any business or industry for the training, retraining or upgrading of skills of potential employees with the purpose of replacing or supplanting employees engaged in an authorized work stoppage.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 27th day of

Governor

Yasmin Caperton
