WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 4699
(By Delegates Collins, Varner. Butcher, Clavpoie,
Kohn, Davis and Williso1)

Passed March 13, 1998
In Effect Ninety Days from Passage
AN ACT to amend article one-b, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to labor; division of labor; economic development efforts; reporting requirements; establishing a pilot program for employment of resident of local labor market; terms of program to include projects of division of highways and school building authority; requiring successful bidder to agree to employ at least ninety percent from local labor market; and requiring report to the governor and to the Legislature on the benefit of the program.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1B. REPORTING OF EMPLOYMENT.

§21-1B-3a. Pilot project for employment of residents of local labor market.

1 (a) As used in this section, "local labor market" means the labor market area designated by the West Virginia division of highways for Appalachian regional
commission projects and shall include every county in West Virginia.

(b) Not later than the first day of January, two thousand, the West Virginia division of highways shall select at least two construction projects and the school building authority shall select at least one construction project, to serve as pilot programs to evaluate the benefit of requiring the employment of residents of the local labor market on public improvement projects. The commissioner of highways and the executive director of the school building authority shall exchange information related to construction projects under consideration for inclusion in the pilot program so that, to the extent possible, the projects selected may be geographically distributed in different areas of the state. The project selected by the school building authority shall be a project funded at least eighty-five percent by state dollars. Upon selection of the projects to participate in the pilot program, a condition of awarding the construction contract shall be that the successful bidder agree to employ at least ninety percent of the employees engaged or permitted to perform hourly work for wages at the construction site, excluding salaried supervisory personnel, from the local labor market.

(c) The construction contracts for projects included in the pilot program shall provide that any employer providing employment to employees at the construction site not otherwise able to employ a minimum of ninety percent labor market residents as employees on a public improvement must inform the nearest office of the West Virginia division of employment security of his or her employment needs. If within one week following the placing of a job order, the division is unable to refer any qualified job applicants to the employer, or less than the number requested, the division will award a certificate to the contractor indicating the unavailability of applicants. The certificate shall be made a part of the contractor's permanent project records. Upon receipt of the certificate, the contractor may employ nonresidents of the labor market to fill any positions covered by the certificate. Every subcontract related to the construction contracts for
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projects included in the pilot program that will, or reasonably may be, performed as on-site work shall contain provisions conforming to the requirements of this section.

(d) The reports or payroll records required by the provisions of this article for the construction projects selected for inclusion in the pilot program shall be supplied to the commissioner of labor. Notwithstanding the provisions of section four of this article, with respect to any construction project selected as part of the pilot program that is not completed by the termination date set forth in that section, reports shall be furnished until the completion of on-site construction for the projects. The commissioner may request reports or payroll records pursuant to this article for other school building and highways projects as may be reasonably necessary to evaluate the benefit of the pilot project, and the reports or payroll records shall be provided upon request. The commissioner of highways and the executive director of the school building authority shall provide to the commissioner of labor their conclusions and supporting data as to any effect on construction costs of the requirement for hiring residents of the local labor market. The commissioner shall maintain all records as a source of research material to determine the efficacy of such projects. Not later than twelve months following the beginning of on-site construction of the last project included in the pilot program, the commissioner shall report his or her analysis and supporting data, evaluating the benefit of the pilot project in providing additional jobs for West Virginians, including information and conclusions provided by the commissioner of highways and the executive director of the school building authority, to the governor and the Legislature. The report and all information contained in the report shall be public information, to be supplied to any member of the public upon request.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

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President of the Senate

[Signature]
Speaker of the House of Delegates

The within __________ approved this the __________ day of __________, 1998.

[Signature]
Governor
PRESENTED TO THE
GOVERNOR
Date: 3/20/68
Time: 10:31