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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1998

— • —

# ENROLLED

## House Bill No. 4699

(By Delegates Collins, Varner, Butcher, Claypole,  
Kuhn, Davis and Willison)

— • —

Passed March 13, 1998

In Effect Ninety Days from Passage

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## H. B. 4699

(BY DELEGATES COLLINS, VARNER, BUTCHER, CLAYPOLE,  
KUHN, DAVIS AND WILLISON)

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[Passed March 13, 1998; in effect ninety days from passage.]

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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
- 2 the labor market area designated by the West Virginia
- 3 division of highways for Appalachian regional

4 commission projects and shall include every county in  
5 West Virginia.

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

28 (c) The construction contracts for projects included in  
29 the pilot program shall provide that any employer  
30 providing employment to employees at the construction  
31 site not otherwise able to employ a minimum of ninety  
32 percent labor market residents as employees on a public  
33 improvement must inform the nearest office of the West  
34 Virginia division of employment security of his or her  
35 employment needs. If within one week following the  
36 placing of a job order, the division is unable to refer any  
37 qualified job applicants to the employer, or less than the  
38 number requested, the division will award a certificate to  
39 the contractor indicating the unavailability of applicants.  
40 The certificate shall be made a part of the contractor's  
41 permanent project records. Upon receipt of the certificate,  
42 the contractor may employ nonresidents of the labor  
43 market to fill any positions covered by the certificate.  
44 Every subcontract related to the construction contracts for

45 projects included in the pilot program that will, or  
46 reasonably may be, performed as on-site work shall  
47 contain provisions conforming to the requirements of this  
48 section.

49 (d) The reports or payroll records required by the  
50 provisions of this article for the construction projects  
51 selected for inclusion in the pilot program shall be  
52 supplied to the commissioner of labor. Notwithstanding  
53 the provisions of section four of this article, with respect to  
54 any construction project selected as part of the pilot  
55 program that is not completed by the termination date set  
56 forth in that section, reports shall be furnished until the  
57 completion of on-site construction for the projects. The  
58 commissioner may request reports or payroll records  
59 pursuant to this article for other school building and  
60 highways projects as may be reasonably necessary to  
61 evaluate the benefit of the pilot project, and the reports or  
62 payroll records shall be provided upon request. The  
63 commissioner of highways and the executive director of  
64 the school building authority shall provide to the  
65 commissioner of labor their conclusions and supporting  
66 data as to any effect on construction costs of the  
67 requirement for hiring residents of the local labor market.  
68 The commissioner shall maintain all records as a source of  
69 research material to determine the efficacy of such  
70 projects. Not later than twelve months following the  
71 beginning of on-site construction of the last project  
72 included in the pilot program, the commissioner shall  
73 report his or her analysis and supporting data, evaluating  
74 the benefit of the pilot project in providing additional jobs  
75 for West Virginians, including information and  
76 conclusions provided by the commissioner of highways  
77 and the executive director of the school building  
78 authority, to the governor and the Legislature. The report  
79 and all information contained in the report shall be public  
80 information, to be supplied to any member of the public  
81 upon request.

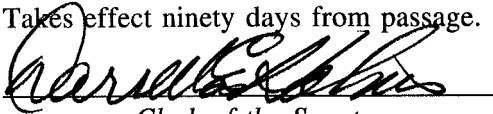
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

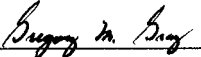
  
Chairman Senate Committee


  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

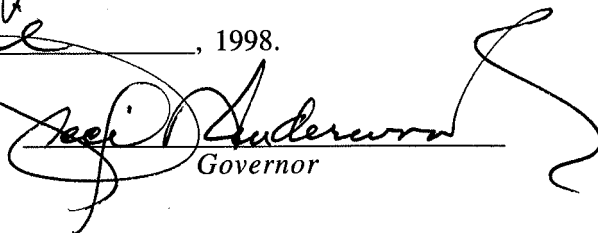
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within disapproved this the 8th  
day of April, 1998.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 12:31 pm