

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 474

BY SENATORS SWOPE, AZINGER, BLAIR, BOSO,
CLEMENTS, DRENNAN, FERNS, GAUNCH, KARNES,
MAYNARD, RUCKER, SMITH, SYPOLT, TRUMP, WELD,
MARONEY, AND CLINE

[Introduced February 2, 2018; Referred
to the Committee on the Workforce; and then to the
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §5-22-4; and to amend and reenact §21-1C-5 of said code, all relating to
 3 prohibiting a governmental entity, which requires certain private companies to submit any
 4 document that includes records of actual wages paid to employees, from disclosing such
 5 document or information contained therein to any other entity or person; providing that any
 6 such document containing records of actual wages paid to employees shall be considered
 7 confidential and proprietary and may not be considered a public record; defining
 8 “governmental entity”; providing that any document containing records of actual wages
 9 paid to employees that is filed or submitted pursuant to the West Virginia Jobs Act may
 10 not be disclosed by the Division of Labor or a public authority to any other entity or person;
 11 and providing that any document submitted or filed pursuant to the West Virginia Jobs Act
 12 that includes records of actual wages paid to employees or information contained therein
 13 shall be considered confidential and proprietary and may not be considered a public
 14 record.

Be it enacted by the Legislature of West Virginia:

**CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE
 GOVERNOR, SECRETARY OF STATE, AND ATTORNEY GENERAL;
 BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
 COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 22. GOVERNMENT CONSTRUCTION CONTRACTS.

§5-22-4. Prohibition on requiring submission of wage records; exception.

1 (a) A governmental entity that requires a private company, which has contracted with, or
 2 is seeking to contract with a governmental entity, for a construction project, to submit any
 3 document that includes records of actual wages paid to employees may not disclose such

4 document or information contained therein to any other entity or person. Any such document
 5 shall be considered confidential and proprietary and may not be considered a public record for
 6 the purposes of §29B-1-1 et seq. of this code.

7 (b) For the purposes of this section, “governmental entity” means the state and its
 8 subdivisions or any other entity or person acting on behalf of the state and its subdivisions.

CHAPTER 21. LABOR

ARTICLE 1C. WEST VIRGINIA JOBS ACT.

§21-1C-5. Applicability and scope of article; reporting requirements.

1 (a) This article applies to expenditures for construction projects by any public authority for
 2 public improvements as defined by this article.

3 (b) For public improvement projects let pursuant to this article, the public authority shall
 4 file, or require an employer as defined in section two of this article to file, with the Division of Labor
 5 copies of the waiver certificates and certified payrolls, pursuant to §21-5A-1 et seq. of this code,
 6 or other comparable documents that include the number of employees, the county and state
 7 wherein the employees reside and their occupation.

8 (c) The Division of Labor shall compile the information required by this section and submit
 9 it annually to the Joint Committee on Government and Finance by October 15. The joint
 10 committee may forward these reports to the Legislative Auditor to review and make comments
 11 regarding the usefulness of the information collected and to suggest changes to the division's
 12 method of reporting to ensure the information collected will prove useful in evaluating the
 13 effectiveness of the provisions of this article.

14 (d) Each public authority ~~has the duty to~~ shall implement the reporting requirements of this
 15 article. Every public improvement contract or subcontract let by a public authority shall contain
 16 provisions conforming to the requirements of this article.

17 (e) The Division of Labor ~~is authorized to~~ may establish procedures for the efficient

18 collection of data, collection of civil penalties prescribed in section six of this article and transmittal
19 of data to the Joint Committee on Government and Finance.

20 (f) Any document, filed or submitted pursuant to this section, that includes records of actual
21 wages paid to employees may not be disclosed by the Division of Labor or a public authority to
22 any other entity or person. Any such document and any information contained therein shall be
23 considered confidential and proprietary and may not be considered a public record for the
24 purposes of §29B-1-1 et seq. of this code.

NOTE: The purpose of this bill is to provide that any document submitted or filed pursuant to the West Virginia Jobs Act that includes records of actual wages paid to employees or information contained therein shall be considered confidential and proprietary and may not be considered a public record.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.