

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4574**

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

[BY REQUEST OF THE EXECUTIVE]

[Introduced February 08, 2022; Referred to the  
Committee on Government Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §29-33-1, §29-33-2, §29-33-3, and §29-33-4, all relating to creating the “West  
 3 Virginia Workforce Resiliency Act;” establishing the West Virginia Workforce Resiliency  
 4 Office in the Office of the Governor; establishing the position of the West Virginia  
 5 Workforce Resiliency Officer; setting forth the authority and duties of the West Virginia  
 6 Workforce Resiliency Officer; and allowing for the West Virginia Workforce Resiliency  
 7 Officer to hire staff.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 33. WEST VIRGINIA WORKFORCE RESILIENCY ACT.**

**§29-33-1. Short title; Purpose.**

1 (a) This article may be known and cited as the “West Virginia Workforce Resiliency Act”.  
 2 (b) It is the purpose of this article to establish an office within the Office of the Governor to  
 3 coordinate workforce development, job training, education, and related programs and initiatives  
 4 across agencies and entities to continue to grow West Virginia’s workforce and to provide greater  
 5 options for West Virginians seeking work and West Virginia businesses seeking employees.

**§29-33-2. West Virginia Workforce Resiliency Office.**

1 (a) It is determined that a state authority is necessary to coordinate and better facilitate  
 2 efforts toward workforce development, job training, education, and resource management  
 3 between government agencies, private partners, federal programs, and all other entities working  
 4 to develop, train, and reinvigorate West Virginia’s workforce. Therefore, the West Virginia  
 5 Workforce Resiliency Office is hereby created.

6 (b) The West Virginia Workforce Resiliency Office shall be organized within the Office of  
 7 the Governor:

8 (1) The West Virginia Workforce Resiliency Officer shall be appointed by the Governor  
 9 with the advice and consent of the Senate;

10 (2) The West Virginia Workforce Resiliency Officer shall be vested with the authority and

11 duties prescribed to the office within this article; and

12 (3) The West Virginia Workforce Resiliency Officer shall be a person who has managerial  
13 or strategic planning experience in matters relating to workforce development, job training, or  
14 related fields.

**§29-33-3. Authority of West Virginia Workforce Resiliency Office and West Virginia Workforce Resiliency Officer.**

1 The West Virginia Workforce Resiliency Officer shall:

2 (a) Coordinate and work with the commissioner of WorkForce West Virginia; the secretary  
3 of the Department of Economic Development; the secretary of the Department of Commerce; the  
4 secretary of the Department of Health and Human Resources; the secretary of the Department of  
5 Tourism; the chancellor of the Higher Education Policy Commission; the president of West  
6 Virginia University; the president of Marshall University; the director of the West Virginia Economic  
7 Development Authority; and such other representatives of private and public partners involved in  
8 workforce development as the West Virginia Workforce Resiliency Officer may deem necessary,  
9 to facilitate and unify efforts for workforce development, job training, and education of West  
10 Virginia's workforce.

11 (b) Assist in the development, implementation, and management of a common application  
12 for workforce development, job training, and wrap-around services available across agencies and  
13 programs, which shall be established to ensure that West Virginians encounter no wrong door  
14 when seeking out services and programs that may be available to them.

15 (c) Advise the Office of the Governor on the status and overall workforce development  
16 landscape across the State of West Virginia and assist in developing policies, plans, and  
17 procedures that will ensure that state agencies, private partners, and federal programs are  
18 efficiently, effectively, and properly utilized for workforce development across the State of West  
19 Virginia.

20 (d) Propose opportunities for legislative changes to the Office of the Governor that may

21 result in more efficient, effective, and expedient access to programs across the State of West  
22 Virginia to improve workforce development.

**§29-33-4. Employees of the Office.**

1 (a) The West Virginia Workforce Resiliency Officer shall have the power to hire,  
2 administer, and manage employees necessary to fulfill its responsibilities:

3 (1) All employees will be exempt from both the classified services category and the  
4 classified-exempt services category as set forth in §29-6-4 of this code;

5 (2) Employee positions are contingent upon the receipt of necessary federal and/or state  
6 funds;

7 (3) Each employee hired shall be deemed an at-will employee who may be discharged or  
8 released from his or her respective position without cause or reason;

9 (4) Due to the at-will employment relationship with the office, its employees may not avail  
10 themselves of the state grievance procedure as set forth in §6C-2-1 et seq. of this code;

11 (5) Employees may participate in the PEIA, PERS, and workers' compensation and  
12 unemployment compensation programs, or their equivalents; and

13 (6) All employees and officers of the West Virginia Workforce Resiliency Office who are  
14 entrusted with funds or property shall execute surety bonds.

15 (b) The West Virginia Workforce Resiliency Officer will set appropriate salary rates for  
16 employees equivalent to a competitive wage rate necessary to support a specific mission.

NOTE: The purpose of this bill is to establish an office within the Office of the Governor to coordinate workforce development, job training, education, and related programs and initiatives across agencies and entities to continue to grow West Virginia's workforce and to provide greater options for West Virginians seeking work and West Virginia businesses seeking employees.

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