

# WEST VIRGINIA LEGISLATURE

## 2022 REGULAR SESSION

Introduced

### House Bill 4754

FISCAL  
NOTE

BY DELEGATES HAMRICK, HOWELL, HAYNES, PACK, AND

ELLINGTON

[Introduced February 15, 2022; Referred to the Committee  
on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §5B-2K-1, §5B-2K-2, §5B-2K-3, §5B-2K-4, §5B-2K-5, §5B-2K-6, and §5B-2K-  
 3 7, all relating to establishing a Workforce Improvement Partnership program to provide  
 4 assistance to employers to train employees in critical or advanced skills; specifying  
 5 purposes of program; establishing program and administrative responsibilities; specifying  
 6 forms of assistance and eligibility requirements; creating Partnership for Workforce Quality  
 7 Fund and specifying the nature of the Fund and its allowed uses; establishing grant  
 8 program and grant criteria; authorizing use of Fund moneys to develop training programs  
 9 when critical programs do not exist.

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

**ARTICLE 2K. WORKFORCE IMPROVEMENT PARTNERSHIP.**

**§5B-2K-1. Purpose of program.**

1 The purpose of the Workforce Improvement Partnership program is to provide employee  
 2 training services to:

3 (1) Improve the competitiveness and productivity of the state's workforce and business  
 4 community;

5 (2) Upgrade employee skills, or train new employees, for new technologies or production  
 6 processes; and

7 (3) Assist employers located in the state in promoting employment stability.

**§5B-2K-2. Establishment of Workforce Improvement Partnership; duties of Secretary of**  
**Economic Development; annual report.**

1 (a) The Workforce Improvement Partnership program is hereby established within the  
 2 Department of Economic Development.

3 (b) The Secretary of the Department of Economic Development shall administer and direct  
 4 the program. The secretary may not provide training assistance under the program except at the  
 5 specific request of an employer or group of employers.

6 (c) To identify employers that need assistance, the secretary shall use local advisory  
7 groups, including private industry councils and joint apprenticeship committees.

8 (d) Subject to §5B-4K-3 and §5B-4K-6 of this code, the secretary shall establish eligibility  
9 criteria and priorities for assistance under the program.

10 (e) The secretary shall submit an annual report on the operation and performance of the  
11 program to the Governor and to the Legislature's Joint Committee on Government and Finance.

**§5B-2K-3. Forms of assistance; general eligibility requirements.**

1 (a) Workforce Improvement Partnership program shall provide two forms of assistance to  
2 employers and employees:

3 (1) Consultation services to identify needs, appropriate training, and cost-effective  
4 solutions; and

5 (2) Grants for specific training assistance.

6 (b) To be eligible to receive program assistance, an employer shall be located in this state  
7 or shall have a facility in this state for which the assistance is to be provided. To receive assistance  
8 under the program, an employer shall request training assistance in job-specific skills to train new  
9 employees or to upgrade or retain existing West Virginia-based employees.

**§5B-2K-4. Partnership for Workforce Quality Fund.**

1 (a) There is hereby created in the State Treasury a special revolving fund known as the  
2 "Partnership for Workforce Quality Fund" to be administered by the Secretary of the Department  
3 of Economic Development solely for providing employee training grants in accordance with this  
4 article. Any moneys which may be appropriated by the Legislature, or received by the secretary  
5 from other sources, for the purposes of this article shall be deposited in the fund. Any moneys  
6 remaining in the fund at the close of the fiscal year shall be carried forward for use in the next  
7 fiscal year. The secretary may accept and expend any gift, grant, contribution, bequest,  
8 endowment, or other money for the purposes of this article and shall make a reasonable effort to  
9 encourage external financial support for the program Any moneys repaid to the secretary by

10 reason of default of a grant agreement under this article also shall be deposited in the fund. Fund  
11 balances shall be invested with the state's consolidated investment fund, and any and all interest  
12 earnings on these investments shall be used solely for the purposes for which moneys invested  
13 were appropriated or otherwise received.

14 (b) The secretary shall supervise expenditures from the Fund and, in addition to using  
15 Fund moneys for grants as provided in this article, may use money from the Fund for  
16 administrative, legal, and technical services for the program.

**§5B-2K-5. Grants for training assistance; grant agreement; accountability for grant moneys.**

1 (a) The secretary may award a grant for job-specific training assistance to an eligible  
2 employer to be provided by a business, community college, private career school, state-  
3 accredited training agency, trade association, or union-sponsored training program.

4 (b) Under the program, job-specific training may not exceed one year.

5 (c) No training using grant funds may take place without the specific approval of the  
6 employer and the employer's designation of the employees to be trained. No funds may be paid  
7 under this program until the employer signs a grant agreement as developed by the Department  
8 of Economic Development acknowledging the restrictions on the use of the grant money, agreeing  
9 to account for all grant moneys, and pledging return of the moneys in the event of default.

10 (d) All grants issued under this program are state grants and grantees are subject to the  
11 requirements of §12-4-14 of this code.

**§5B-2K-6. Funding criteria.**

1 (a) *Funding criteria.* —

2 (1) At least 60 percent of the money available to the program shall be reserved for  
3 employers with 150 or fewer employees based in the state.

4 (2) Up to 20 percent of the money available to the program may be provided to an  
5 employer with more than 500 employees based in the state, if the employer:

6 (A) Is primarily engaged in manufacturing or in a technology-based business;

7 (B) Agrees to increase purchases of goods produced in the state and services from  
8 suppliers based in the state; and

9 (C) Agrees to provide the workforce training to the number of employees based in the  
10 state, as determined by the program, of smaller employers located in the state that supply goods  
11 or services to the employer receiving the money.

12 (b) Limitations. —

13 (1) An employer may not receive more than \$200,000 a year from the program.

14 (2) The program may not contribute more than 50 percent of direct training costs for job-  
15 specific training assistance.

16 (3) Program money may not be used for capital equipment for an employer; or trainee  
17 wages.

**§5B-2K-7. Grants to develop training programs.**

1 In the event that no appropriate training program is found to meet a need, determined by  
2 the employer and the Department of Economic Development to be a critical need, grants may  
3 also be awarded to establish appropriate training programs. Grant money may be used for costs  
4 associated with the direct delivery of instruction, including curriculum development; preparation  
5 of course materials; and instructors' salaries.

NOTE: The purpose of this bill is to establish the Partnership for Workforce Quality and the Partnership for Workforce Quality Fund for the award of grants for advancing or upgrading critical skills for employees in this state.

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