

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 582

BY SENATORS BLAIR (MR. PRESIDENT) AND BALDWIN

(BY REQUEST OF THE EXECUTIVE)

[Passed March 12, 2022; in effect 90 days from passage]

1 AN ACT 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; and to amend said code by
3 adding thereto a new article, designated §29-34-1, §29-34-2, §29-34-3, and §29-34-4, all
4 relating to creating the West Virginia Workforce Resiliency Act and Recovery and Hope
5 Act; establishing the West Virginia Workforce Resiliency Office in the Office of the
6 Governor; establishing the position of the West Virginia Workforce Resiliency Officer;
7 setting forth the authority and duties of the West Virginia Workforce Resiliency Officer;
8 allowing for the West Virginia Workforce Resiliency Officer to hire staff; creating the State
9 Recovery and Hope Office, and providing powers thereof; providing for the appointment
10 of the State Recovery and Hope Officer; and authorizing the State Recovery and Hope
11 Officer to act.

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 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
5 of 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
7 Economic Development Authority; and such other representatives of private and public partners
8 involved in workforce development as the West Virginia Workforce Resiliency Officer may deem
9 necessary, to facilitate and unify efforts for workforce development, job training, and education of
10 West 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 wrongdoer
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, 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.

ARTICLE 34. STATE RECOVERY AND HOPE ACT.

§29-34-1. Short title; legislative findings; purpose.

1 (a) This article may be known and cited as the Recovery and Hope Act.

2 (b) The West Virginia Legislature finds that:

3 (1) The substance use disorder epidemic in the State of West Virginia has created a public
4 health crisis, an economic crisis, and a social services crisis for our state;

5 (2) The State of West Virginia, through its various governmental branches and state
6 agencies, offers several programs to assist the citizens of West Virginia battling substance use
7 disorder, likewise, there are numerous programs offered by the federal government, local
8 governments, and private entities to combat this epidemic; and

9 (3) Creation of the State Recovery and Hope Office is necessary to further the positive
10 results of the Jobs and Hope Program implemented to date and to facilitate and coordinate the
11 various programs offered through the State of West Virginia by and with the assistance of the
12 legislative branch, the judicial branch, various federal agencies, local governments, community
13 advocates, and private sector partners related to the prevention, treatment, and reduction of
14 substance use disorder.

15 (c) It is the purpose of this article to create an office under the Office of the Governor to
16 focus the comprehensive and coordinated statewide approach to provide West Virginians in need
17 of treatment for substance use disorder with the support and assistance necessary to help provide
18 assistance to combat addiction, as well as to assist those in recovery by providing them
19 opportunities to obtain career training and to ultimately secure meaningful employment, thereby
20 further bettering our people, our communities, and economic opportunities in this state. The office
21 created by this article shall utilize the personnel and resources of the Department of Health and
22 Human Resources and relevant agencies thereunder to the greatest extent practicable.

§29-34-2. State Recovery and Hope Office.

1 (a) The State Recovery and Hope Office is hereby created. The office shall be organized
2 within the Office of the Governor. The office will serve as the coordinating agency of recovery
3 efforts.

4 (b) The State Recovery and Hope Officer shall be appointed by the Governor with the
5 advice and consent of the Senate.

6 (c) The State Recovery and Hope Officer shall be vested with the authority and duties
7 prescribed to the office within this article.

8 (d) The State Recovery and Hope Officer shall be a person who has:

9 (1) Managerial and strategic planning experience in matters relating to substance use
10 disorder treatment, recovery, and transition into the workforce; and

11 (2) Be thoroughly knowledgeable in matters relating to substance use disorder treatment,
12 recovery, and matters relating thereto.

13 (e) The State Recovery and Hope Office shall be tasked with coordinating efforts toward
14 the provision of needed assistance for those in treatment for substance use disorder, toward
15 transitioning those in recovery with the opportunity to obtain career training, and toward ultimately
16 securing meaningful employment.

**§29-34-3. Authority of State Recovery and Hope Office and State Recovery and Hope
Officer.**

1 The State Recovery and Hope Office will coordinate the state's efforts to assist those
2 experiencing substance use disorder in their recovery and transition into the workforce. The State
3 Recovery and Hope Officer shall serve as the primary representative of the Governor, and the
4 agencies and departments of the state shall provide assistance, information, data, and/or
5 resources to the State Recovery and Hope Office as may be requested from time to time. The
6 State Recovery and Hope Officer will assist and advise the Governor on all recovery and
7 workforce training issues for this population, and will serve as a liaison between the Governor's

8 office and all other parties, whether state, federal, local, or private to further the purposes of this
9 article. The State Recovery and Hope Officer will:

10 (1) Coordinate all planning and implementation efforts relating to substance use disorder
11 treatment, recovery, and transition into the workforce;

12 (2) Coordinate an annual review of plans relating to substance use disorder treatment,
13 recovery, and transition into the workforce;

14 (3) Recommend legislation to better facilitate the implementation of recovery efforts;

15 (4) Report to legislative committees, as called upon to do so;

16 (5) Establish and facilitate regular communication between federal, state, local, and
17 private sector agencies and organizations to further recovery efforts;

18 (6) Receive resources, monetary or otherwise, from any other governmental entity or
19 private source and disburse those resources to effectuate the purposes of this article;

20 (7) Execute cooperative agreements, where appropriate;

21 (8) Contract, where appropriate, on behalf of the State Recovery and Hope Office, with
22 the federal government, its instrumentalities and agencies, any state, territory, or the District of
23 Columbia, and its agencies and instrumentalities, municipalities, public bodies, private
24 corporations, partnerships, associations, and individuals;

25 (9) Hire necessary employees at an appropriate salary equivalent to a competitive wage
26 rate;

27 (10) Enroll appropriate employees in the Public Employees Retirement System, the Public
28 Employees Insurance Agency, and workers' compensation and unemployment programs, or their
29 equivalents: *Provided*, That the State Recovery and Hope Office, through the receipt of federal or
30 state funds, or both, pays the required employer contributions;

31 (11) Have the ability to secure all other bonding, insurance, or other liability protections
32 necessary for its employees to fulfill their duties and responsibilities;

33 (12) Utilize the personnel and resources of the Department of Health and Human
34 Resources to the greatest extent practicable, and have the ability to draw upon other departments,
35 divisions, agencies, and all other subdivisions of the state for research and input in fulfilling the
36 requirements of this article, or to facilitate the implementation of the purposes of this article, and
37 its requests are to have priority over other such requests;

38 (13) Participate in the interdepartmental transfer of permanent state employees, as if he
39 or she were a department secretary, under the provisions of §5F-2-7 of this code;

40 (14) Notwithstanding any other provision of this code to the contrary, acquire legal services
41 that are necessary, including representation of the office, its employees, and officers before any
42 court or administrative body from the Office of the Attorney General, who shall provide such legal
43 assistance and representation;

44 (15) Take all other actions necessary and proper to effectuate the purposes of this article;
45 and

46 (16) The office shall have any other additional authority, duties, and responsibilities as
47 prescribed by the Governor to effectuate the purposes of this article. Due to the at-will employment
48 relationship with the office, its employees may not avail themselves of the state grievance
49 procedure as set forth in §6C-2-1 *et seq.* of this code.

§29-34-4. Employees.

1 (a) The State Recovery and Hope Officer shall have the power to hire, administer, and
2 manage employees, but only to the extent necessary to fulfill the office's responsibilities.

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

5 (2) Employee positions are contingent upon the receipt of the necessary federal or state
6 funds, or both.

7 (3) Any 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) Any employee may participate in the Public Employees Insurance Agency, the Public
10 Employees Retirement System, and workers' compensation and unemployment compensation
11 programs, or their equivalents.

12 (5) Any employees and officers of the State Recovery and Hope Office who are entrusted
13 with funds or property shall execute surety bonds.

14 (b) The State Recovery and Hope Officer will set appropriate salary rates for any
15 employees equivalent to a competitive wage rate necessary to support a specific mission.

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

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Chairman, Senate Committee

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Chairman, House Committee

Originated in the Senate.

In effect 90 days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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Day of, 2022.

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Governor