

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3143

FISCAL
NOTE

By Delegates T. Howell, Mazzocchi, Jennings, Clay,
Drennan, Crouse, DeVault, T. Clark, Jeffries, Holstein,
and Moore

[Introduced March 04, 2025; referred to the
Committee on Education then Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §11-13NN-1, relating to business owners contracting their employees to
 3 vocational programs and high school classes; ensuring compliance with worker
 4 classification laws; maintaining educational employment standards; providing a capped
 5 tax credit for wages paid to participating employees to limit fiscal impact; and ensuring
 6 minimal administrative costs to the state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13NN. WORKFORCE-EDUCATION PARTNERSHIP ACT.

§11-13NN-1. Workforce-Education Partnership Act; Definitions; Tax Credit;

Implementation.

1 (a) Purpose. – The purpose of this bill is to incentivize business owners to invest in the
 2 development of skilled labor by allowing them to contract out their employees to vocational training
 3 programs and high school classes in public schools and public charter schools, private and
 4 parochial schools, virtual charter schools, and homeschools. This initiative fosters economic
 5 growth, strengthens workforce development, and encourages public-private collaboration in
 6 education while minimizing the fiscal impact on the state.

7 (b) Definitions. – For the purposes of this section:

8 (1) Vocational programs refer to any accredited educational program designed to provide
 9 individuals with specialized training and skills for a specific trade or profession.

10 (2) High school classes refer to any approved program of study offered by a public or
 11 private high school in West Virginia.

12 (3) Business owner refers to any individual, partnership, corporation, or other entity that
 13 operates a business within the State of West Virginia.

14 (4) Employee refers to an individual employed by a business owner on a full-time or part-
 15 time basis who retains their employment status while participating in an educational program.

16 (5) Educational contract refers to a written agreement between a business owner and an

17 educational institution outlining the terms of the employee's participation in a teaching or training
18 role.

19 (c) Program Authorization. –

20 (1) A business owner may contract out the services of an employee to participate in
21 vocational programs or high school classes for the purpose of providing education, training, or
22 mentoring.

23 (2) The business owner and the participating educational institution must enter into an
24 educational contract that defines the scope, duration, and compensation of the employee's
25 participation.

26 (3) The business owner must provide written consent for the employee's participation, and
27 the employee must meet the eligibility criteria established by the vocational program or high
28 school.

29 (4) Employees participating in this program shall retain their employment status with the
30 business owner and shall continue to receive all benefits, including workers' compensation and
31 unemployment insurance.

32 (d) Tax Credit for Employee Pay. –

33 (1) A business owner who contracts their employee to participate in vocational programs or
34 high school classes shall be entitled to a tax credit equal to 100% of the employee's gross wages
35 paid during the period in which the employee is engaged in such educational activities.

36 (2) Annual Cap: A business owner may not claim more than \$50,000 in total tax credits per
37 tax year under this section, ensuring minimal fiscal impact on the state budget.

38 (3) Statewide Cap: The total amount of tax credits available under this program shall not
39 exceed \$5 million per fiscal year, with credits granted on a first-come, first-served basis.

40 (4) The tax credit shall be available for a maximum period of one academic year per
41 employee per tax year and may be carried forward for up to two years if not fully utilized.

42 (5) The tax credit shall be subject to the approval of the West Virginia Department of Tax

43 and Revenue, which shall establish rules and guidelines for the application and use of the credit.

44 (6) If applicable, the tax credit for apprenticeship training in construction trades set forth in
45 §11-13W-1 may be claimed by an employer.

46 (e) Compliance with Educational Employment Standards. –

47 (1) Employees contracted under this program must meet the necessary qualifications as
48 set by the vocational programs or high schools they are assigned to, including any relevant
49 professional or teaching certifications.

50 (2) The contract between the business owner and the educational institution must ensure
51 compliance with §18A-2-2 of this code regarding teacher contract execution and employment
52 policies.

53 (3) Employees participating in this program shall not replace certified educators in core
54 academic subjects but may provide specialized instruction, training, or mentorship in applicable
55 fields such as trade skills, technology, engineering and applied sciences, financial aid, business
56 development, and healthcare professions.

57 (f) Fiscal Responsibility and Minimal State Costs. –

58 (1) Budget Cap: The statewide cap of \$5 million annually ensures the program remains
59 fiscally sustainable and does not impose an undue burden on state tax revenues.

60 (2) Administrative Costs Reduction: The West Virginia Department of Tax and Revenue
61 and Department of Education shall utilize existing resources and personnel to oversee the
62 program, minimizing additional state expenses.

63 (3) The Department of Education shall establish a streamlined application and reporting
64 system for businesses and educational institutions to participate, reducing the need for additional
65 administrative staffing.

66 (4) The Department of Tax and Revenue shall publish an annual report on tax credit
67 utilization, providing transparency and accountability to the Legislature.

68 (g) Implementation. –

69 (1) The West Virginia Department of Tax and Revenue shall develop an online application
70 portal to streamline the tax credit process and reduce administrative costs.

71 (2) The West Virginia Department of Education shall oversee compliance with educational
72 employment standards and maintain a registry of approved business-education partnerships.

73 (3) The Department of Education shall annually report to the Legislature on the
74 effectiveness of this program, including the number of participants, tax credit utilization, and
75 overall impact on workforce development in the state.

NOTE: The purpose of this bill is to provide for the Workforce Education Partnership Act.

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