

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4004

FISCAL
NOTE

By Delegates Worrell, Browning, Drennan, Gearheart,
Bridges, Miller, Shamblin, Petitto, D. Cannon, Adkins,
and White

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Committee on Finance]

9 except for an independent contractor, who:

10 (1) Has resided in West Virginia for the previous six months; and

11 (2) Has had full-time employment for the previous six months.

12 "Eligible training" means upskilling training that the division determines is eligible for
13 reimbursement under the program.

14 "New wage" means the employee's average gross weekly wage (or, if paid on a salary
15 basis, the equivalent weekly wage) earned during the first two full calendar months immediately
16 following completion of the upskilling training.

17 "Program" means the Recharge West Virginia Program established pursuant to this article.

18 "Public body" means the State of West Virginia and every officer, agency, department,
19 including the executive, legislative and judicial departments, division, bureau, political subdivision,
20 board and commission thereof; every county and city governing body, school district, special
21 district, municipal corporation, and any board, department, commission, council, or agency
22 thereof; and any other body which is created by state or local authority or which is primarily funded
23 by the state or local authority.

24 "Qualifying employer" means any employer in this state, except for an employer who is a
25 public body, which is:

26 (1) Registered with the Secretary of State, except that an employer registered as a foreign
27 nonprofit corporation is not eligible;

28 (2) Compliant with the West Virginia Unemployment Compensation Law, as evidenced by
29 a letter of good standing from WorkForce West Virginia; and

30 (3) Physically located in West Virginia.

31 "Qualifying wage increase" means a new wage that is:

32 (1) At least 25% greater than the base wage; and

33 (2) Above the average weekly wage in West Virginia, as determined and published by the
34 United States Bureau of Labor Statistics.

35 "Upskill credential" means an industry-recognized credential, or any other credential
36 indicated by a qualifying employer as necessary for improving the skill level of an eligible
37 employee, that:

- 38 (1) Verifies an individual's qualification or competence;
39 (2) It is issued by an entity with the authority to issue such credential; and
40 (3) Is obtained as a result of upskilling training received pursuant to the program.

41 "Upskilling" or "Upskilling training" means specialized technical training to increase the skill
42 levels of an eligible employee to enable the employee to retain employment or advance to a higher
43 level of employment within a company. The term includes, but is not limited to, cross-training,
44 reskilling, leadership development, train-the-trainer programs, and registered apprenticeships.

§5B-2P-3. Recharge West Virginia Program established.

1 (a) There is hereby created the Recharge West Virginia Program, to be administered by
2 the Division of Economic Development, to facilitate the upskilling of West Virginia workers; support
3 companies that invest in upskilling their workforces; and recognize and reward companies that
4 train, retain, and advance talent from within.

5 (b) In any fiscal year in which the Legislature appropriates money for the program, the
6 division may, in accordance with the provisions of this article, reimburse a qualifying employer for
7 the costs of providing upskilling training to an eligible employee who obtains an upskill credential
8 and receives a qualifying wage increase: *Provided*, That a qualifying employer may not be
9 reimbursed more than \$10,000 for training provided to any individual employee: *Provided further*
10 *however, further*, That no qualifying employer shall receive more than \$50,000 under this program
11 in any fiscal year.

12 (c) The division shall design an application form for qualifying employers to apply for an
13 award for reimbursement. The application form shall contain all information that the division
14 deems necessary to fulfill the provisions of this section.

15 (d) A qualified employer shall complete and submit the application form to be eligible for

16 reimbursement. Each applicant shall include with its application the following:

17 (1) A proposed upskilling training plan;

18 (2) A detailed job description and salary range for the position targeted for training;

19 (3) Proof of the employee's eligibility;

20 (4) Proof of the eligible employee's current base wage;

21 (5) The anticipated average gross weekly wage the employee would receive upon
22 completing the proposed upskilling training and obtaining an upskill credential; and

23 (6) Any other information or documents required by the division.

24 (e) An employer may participate in and receive reimbursements under both this program
25 and the West Virginia Guaranteed Work Force Program established by §5B-2D-1 et seq. of this
26 code, subject to the following limitations:

27 (1) No employer shall receive reimbursement under both programs for the same training
28 expenditure;

29 (2) No training program or course for which reimbursement has been made, or for which
30 reimbursement is sought, under one program shall be eligible for reimbursement under the other
31 program for the same cost or portion thereof;

32 (3) As a condition of receiving reimbursement under this program, the employer shall
33 certify, in a form provided by the division, that no claim for reimbursement has been or will be made
34 under another state-funded reimbursement program for the same training expenditure; and

35 (4) If the division determines that an employer has received duplicate reimbursement in
36 violation of this subsection, the employer shall repay the amount of the duplicate reimbursement,
37 and may be subject to any additional penalties or remedies provided by law.

38 (f) Applications shall be evaluated by the division at the close of the application period, as
39 determined by the division, and may not be awarded on a first-come, first-served basis. The
40 division may make preliminary awards for reimbursement only after the application period has
41 closed. The division shall evaluate all applications submitted by qualifying employers on a

42 competitive basis using the following criteria:

43 (1) The pledged wage increase the employee will realize after obtaining the upskill
44 credential in relation to the cost of obtaining the upskill credential;

45 (2) The level of economic distress in the qualifying employer's region and the balance of
46 awards made to the various regions of the state;

47 (3) The contribution made by the qualifying employer toward the cost of obtaining the
48 upskill credential; and

49 (4) Employer actions covered by subsection (k) of this section.

50 (g) Upon the division determining to grant an employer a preliminary award for
51 reimbursement, the division shall provide the employer with a training agreement, designed by the
52 division, which shall serve as the formal grant agreement. An employer must sign and return this
53 agreement to remain eligible to receive reimbursement.

54 (h) Upon being given a preliminary award for reimbursement under this section, each
55 qualifying employer shall sponsor a current employee to obtain an upskill credential within six
56 months of the preliminary award. A current employee shall not commence the process of obtaining
57 the upskill credential until after a preliminary award has been made.

58 (i) To receive the reimbursement, the qualifying employer shall provide to the division proof
59 of the following:

60 (1) The date on which the approved upskilling training began;

61 (2) The date on which the approved upskilling training ended;

62 (3) The upskill credential received by the employee;

63 (4) The total cost of providing the upskilling training to the eligible employee;

64 (5) The amount paid by the qualifying employer toward the cost of obtaining the upskill
65 credential; and

66 (6) Payroll records verifying that the employee received a qualifying wage increase after
67 obtaining the upskill credential.

68 (j) If the division is satisfied that the eligible employee has obtained the upskill credential
 69 and that all requirements of this section have been met, then the division shall grant the qualifying
 70 employer the reimbursement indicated in the preliminary award.

71 (k) For two years after the date on which a reimbursement award is received, the employer
 72 that has received reimbursement shall notify the division if the employer subsequently reduces the
 73 wages of the employee who had received the qualifying wage increase. The employer must
 74 explain, to the extent permitted by law, the reason for the wage reduction to the division. If the
 75 division determines that an employer has reduced wages without a legitimate justification, then the
 76 division may take that determination into consideration if that employer subsequently submits
 77 another application for reimbursement.

§5B-2P-4. Rulemaking.

1 (a) Within 90 days of the effective date of this article, the division shall propose an
 2 emergency rule in accordance with §29A-3-15 of this code and a legislative rule in accordance
 3 with §29A-3-1 et seq. of this code for consideration by the Legislature during the 2027 regular
 4 session to implement the provisions of this article, including:

- 5 (1) Procedures and guidelines related to applying for reimbursement;
- 6 (2) Explanation of the criteria to be considered when determining which applicants are
 7 selected to receive preliminary awards of reimbursement;
- 8 (3) Provisions governing the obligations of any party to a training agreement entered into
 9 pursuant to this article; and
- 10 (4) Any other rules necessary to effectuate the provisions of this article.

11 (b) The division may propose legislative rules in accordance with §29A-3-1 et seq. of this
 12 code to implement the provisions of this article, including, but not limited to, the items enumerated
 13 in subsection (a) of this section.

§5B-2P-5. Record-keeping requirements and protections.

1 (a) Employers must retain the following records for a period of no less than five years and

2 provide copies of the same to the department and the division upon request:

3 (1) A copy of the training curriculum;

4 (2) A copy of the certification or documentation for any specialized company training
5 provided to the trainee;

6 (3) Documentation of training completion;

7 (4) Payroll records verifying that the employee has received a qualifying wage increase;

8 and

9 (5) With regard to each eligible employee who receives upskilling training pursuant to the
10 program:

11 (A) Employee's name;

12 (B) Last four digits of employee's social security number;

13 (C) Employee's date of birth;

14 (D) Proof of employee's eligibility;

15 (E) Employee's hire date;

16 (F) Employee's occupation and position;

17 (G) Name of training provided;

18 (H) Date on which training period started;

19 (I) Wage information for the six months immediately preceding commencement of the
20 eligible training and the two months immediately succeeding completion of the eligible training;

21 and

22 (J) Cost of training the employee.

23 (b) Records and information provided by an employer to the division or the department
24 pursuant to the program are exempt from disclosure under §29B-1-1 et seq. of this code.

NOTE: The purpose of this bill is to establish the Recharge West Virginia Program, which reimburses West Virginia employers for the costs of upskilling their workforces. To be eligible for reimbursement, an employee must have received a 25% wage increase as a

result of the upskilling training, and the wage must be above the average weekly West Virginia wage, as published by the U.S. Bureau of Labor Statistics. Each employer may receive \$10,000 per trainee, and no employer may receive more than \$50,000 during any fiscal year.

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