

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

### **Introduced**

## **House Bill 4978**

By Delegates Linville, Green, Heckert, Stephens,  
Riley, Phillips, Leavitt, Fehrenbacher, and Browning

[Introduced January 29, 2026; referred to the  
Committee on Government Organization]

1 A BILL to amend and reenact §21A-6-1d of the Code of West Virginia, 1931, as amended, relating  
2 to unemployment benefits; and clarifying that Workforce West Virginia may provide  
3 unemployment claimants with information from private employers, including positions  
4 tailored to their prior job history and salary range.

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

**ARTICLE 6. EMPLOYEE ELIGIBILITY; BENEFITS.**

**§21A-6-1d. Jobs and Reemployment Act.**

1 (a) In addition to compliance with all other eligibility requirements, an individual shall be  
2 eligible, and shall remain eligible, for unemployment benefits only if he or she actively seeks, and  
3 continues to seek, work by conducting at least four work search activities weekly, defined as:

4 (1) Registering for work with the state's labor exchange system, placement firm, temporary  
5 work agencies, or educational institution with job placement offices;

6 (2) Logging on and looking for work in the state's labor exchange or other online job  
7 matching system;

8 (3) Using reemployment services in job centers or completing similar online or self-service  
9 activities, including, but not limited to, obtaining and using labor market and career information,  
10 participating in Reemployment Services and Eligibility Assessment activities, participating in skills  
11 assessment for occupational matching, instructional workshops, or other specialized activities;

12 (4) Completing job applications for employers that have, or are reasonably expected to  
13 have, job openings, or following through on job referrals or job development attempts, as directed  
14 by Workforce West Virginia staff;

15 (5) Applying for or participating in employment and training services provided by partner  
16 programs in job centers;

17 (6) Participating in work-related networking events, such as job clubs, job fairs, industry  
18 association events, or networking groups;

19 (7) Making contacts with, or in-person visits to, employers that have, or are reasonably

20 expected to have, job openings;

21 (8) Taking a civil service examination;

22 (9) Going on interviews with employers, either in-person or virtually; or

23 (10) Performing any other work search activities prescribed or allowed by rules  
24 promulgated by Workforce West Virginia.

25 (b) The commissioner may:

26 (1) Require an individual, at the time of application for unemployment benefits and weekly  
27 thereafter, to provide proof of all his or her work search activities;

28 (2) Verify submissions of proof of work search activities by individuals applying for or  
29 receiving unemployment benefits; and

30 (3) Determine any individual who fails to perform work search activities or provide proof of  
31 work search activities as required by this section, ineligible to receive unemployment benefits  
32 unless the individual can reasonably explain his or her failure to do so or timely remedy the failure  
33 to provide proof of his or her work search activity.

34 (c) The commissioner shall have discretion to determine the sufficiency of the proof of work  
35 search activities submitted, the explanation of a failure to submit such proof, the provision of such  
36 proof after an inaccuracy in the proof provided is identified, and whether an individual has  
37 otherwise complied with the requirements of this section.

38 (d) The commissioner shall, utilizing existing resources:

39 (1) Establish a process by which Workforce West Virginia will share open positions  
40 submitted to, or posted by, the Division of Personnel or any other state-administered job board by  
41 employers directly with individuals applying for or receiving unemployment benefits; and

42 (2) Establish a process by which Workforce West Virginia may share open positions for  
43 private employers directly with individuals applying for or receiving unemployment benefits:  
44 Provided, That this service may be further tailored to target job offerings for unemployment  
45 claimants in similar industries, positions, and wage ranges; and

46           (3) Establish a process by which, for the purpose of helping individuals applying for or  
47 receiving unemployment benefits secure suitable work, Workforce West Virginia shall refer  
48 individuals applying for or receiving unemployment benefits to such open positions, including  
49 facilitating contact between employers and those individuals, and monitoring whether those  
50 individuals are sufficiently responsive to a referral.

51           (e) An individual applying for or receiving unemployment benefits who receives referrals  
52 from Workforce West Virginia to a job or jobs considered to be suitable, as that term is defined in  
53 this chapter, shall apply for that job or those jobs within one-week of receiving the referrals and  
54 accept employment in suitable work if offered.

55           (f) Employers shall report the refusal of any individual who is receiving unemployment  
56 benefits and who receives job referrals from Workforce West Virginia to accept an offer of  
57 employment to the commissioner and also report those that accept employment and either leave  
58 or are dismissed from that employment within six weeks of the start date of that employment. The  
59 report shall be made in writing in a manner prescribed by the commissioner and shall be signed by  
60 the employer. The report shall become part of the file of the individual's claim for benefits.

61           (g) Individuals receiving unemployment benefits who accept a referral to a part-time open  
62 position or otherwise accept part-time employment for which the wages are less than his or her  
63 weekly benefit rate, shall continue to receive unemployment benefits without reduction for those  
64 wages for the duration of his or her benefits period.

65           (h) With the exception of individuals who have received or been served with a summons for  
66 jury duty or are serving on a jury in any court of this state, the United States, or any state of the  
67 United States; are receiving vocational training as described in the provisions of §21A-6-4 of this  
68 code; are partially unemployed and are receiving low-earnings reports from their employer; are  
69 eligible to receive short-time compensation under a work-sharing plan as described in §21A-6B-5  
70 of this code; or who are members in good standing of a union that refers its members to  
71 employment from a union hall; all individuals applying for or receiving unemployment benefits shall

72 be subject to the requirements of this section, including, but not limited to, individuals who are  
73 seasonally unemployed or laid off subject to recall by their employer.

74 (i) Workforce West Virginia shall notify individuals seeking benefits, at the time an initial  
75 claim is filed and at any other time during the benefit year that the requirements substantively  
76 change, of the obligation to actively seek work. Delivery of the notification shall be made by the  
77 method selected by the individual seeking benefits, and may include United States mail, email,  
78 online mailbox, or text message. The notification shall include, at a minimum, the types of work  
79 search activities that are acceptable; the number of work search activities that are required in any  
80 week; the requirement that work search activities be documented; and the requirement to apply,  
81 and accept if offered, suitable jobs referred by the agency.

82 (j) The commissioner shall promulgate rules for legislative approval in accordance with the  
83 provisions of §29A-3-1 *et seq.* of this code.

84 (k) The provisions of this section shall become effective July 1, 2024.

NOTE: The purpose of this bill is to permit Workforce West Virginia to provide unemployment claimants with information from private employers, including positions tailored to their prior job history and salary range.

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