

WEST VIRGINIA EMERGENCY ADMINISTRATIVE REGULATIONS

DEPARTMENT OF EMPLOYMENT SECURITY

Chapter 21A-2A

Series II

(1983)

Subject: Implementation of A Pilot Emergency Employment Supplemental Matching Program

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Section 1. General

- 1.01. Scope - These regulations establish general rules for the creation of an Emergency Employment Supplemental Matching Program.
- 1.02. Authority - These regulations are issued under authority of West Virginia Code, Chapter 21A, Article 2A, Section 5 as amended by Senate Bill 16 enacted June 2, 1983.
- 1.03. Filing Date - These regulations are promulgated on the 2nd day of September, 1983, and filed on 2nd day of September, 1983, in the Secretary of State's Office.
- 1.04. Effective Date - These regulations become effective from filing on the 2nd day of September, 1983.

Section 2. General Plan of Program

- 2.01. General Purpose - The general purpose of these rules is to implement a pilot project of the Emergency Employment Supplemental Matching Program with funds designated for that purpose by the West Virginia Legislature on August 17, 1983.

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 9/2/83  
Administrative Law Division

2.02. Scope of Pilot Project - An estimated 100 jobs can be supplemented under this program. Due to limited funds, the estimated duration of incentive is approximately 440 hours per employee, which may be waived by the Commissioner or his representative. At no time shall an incentive extend beyond the six month limit, as set forth in Enrolled Senate Bill No. 16.

Section 3. Specifications

3.01. Program Priorities - Top priority is given to West Virginia residents who are unemployed, heads of household, and have exhausted all unemployment benefits available to them. Second priority is given to West Virginia residents who are unemployed and have exhausted all unemployment benefits available to them.

3.02. Definitions

(a) HEAD OF HOUSEHOLD

"Head of Household" means any person who:

(1) Claims one or more persons, other than the filing taxpayer, as a dependent on his or her federal income tax return; (2) has living in the same household one or more dependents; and (3) receives no income for the household and does not have a spouse or dependent living in the same household who is employed in regular full-time employment: Provided, that participation in any public assistance benefits shall not disqualify any person from entitlement to head of household status.

(b) EXHAUSTEE

"Exhaustee" means any person who is a bona fide resident of this state who has been eligible for unemployment compensation benefits and has received all the benefits available to him or her, and who is not gainfully employed.

(c) ELIGIBLE EMPLOYERS

Means any nongovernmental business or industry in the private sector which maintains an active, bona fide place of business in this state, is duly qualified to do business in the state, and is in good standing under the laws of this state.

3.03. Written Agreements - Any employment and reimbursement provided for shall be agreed to in writing on appropriate forms by the employer, the prospective employee and the Commissioner or his representative prior to such employee's actual employment.

3.04. Contractor/Employee Limits

(a) LARGE EMPLOYERS

Employers with ten or more permanent full-time employees cannot hire in excess of twenty-five (25) percent of their permanent full-time work force under PSEP contract.

(b) SMALL EMPLOYERS

Employers with less than ten permanent full-time employees must adhere to these regulations, Provided, that any fractions shall be rounded up to a whole number.

(c) NEW INDUSTRIES

New industry moving into the State is not affected by these requirements.

(d) WAIVERS

These requirements may be waived if (1) the Commissioner and/or his representative feels that additional employees are justified; and (2) appropriate justification is submitted with the agreement.

3.05. Advertisements For Pilot Program - The Commissioner shall cause to be published in each pilot project area, a notice to employers and eligible persons of applicable provisions and opportunities under this program.

3.06. Pilot Project Area Delineation - Due to the limited availability of funds, the Department shall establish a pilot project in each of the administrative areas as delineated on the following map.

Section 4. Distribution Of Pilot Project Funds

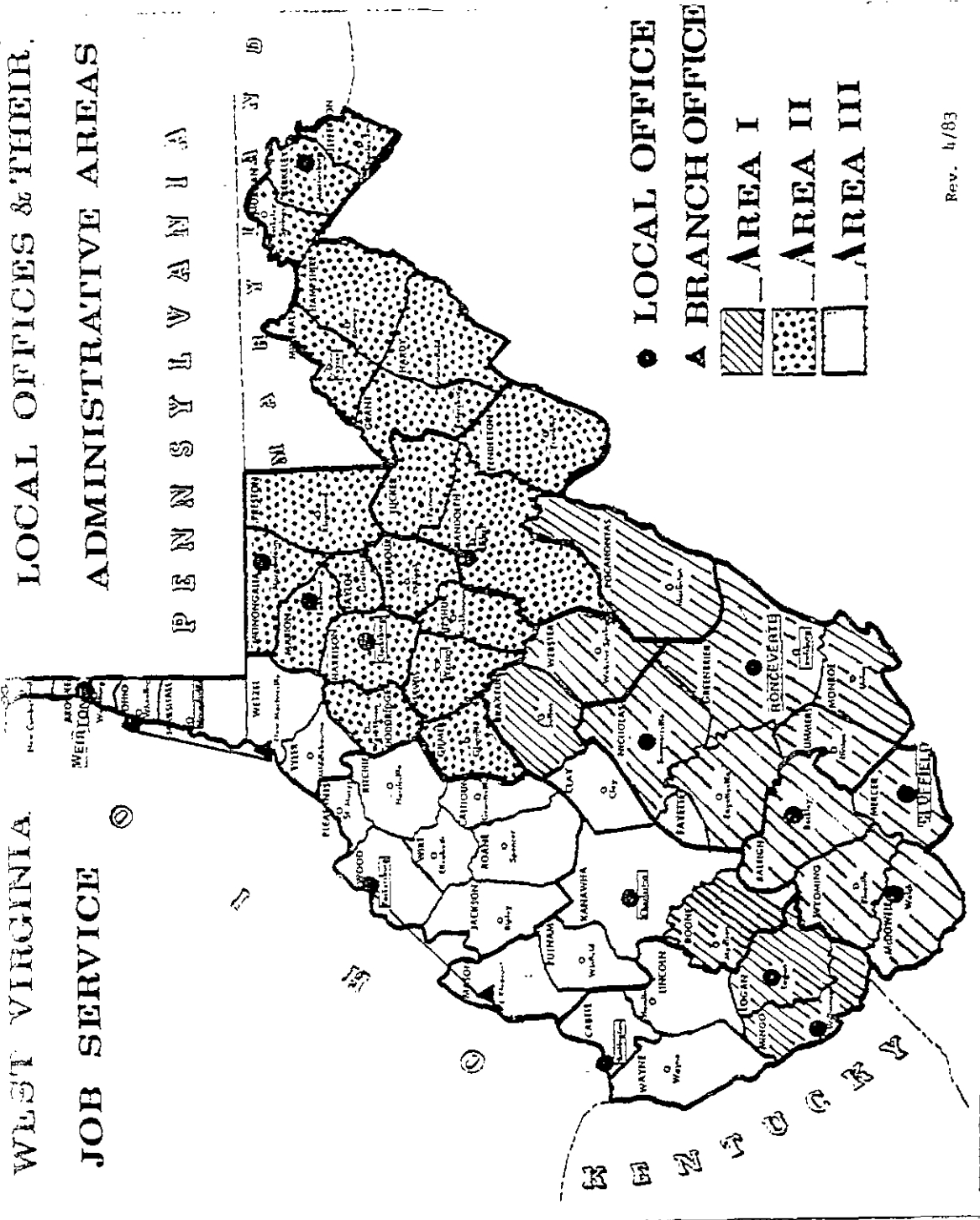
4.01. Initial Allocations - Initial allocations will be divided equitably among the three pilot project areas, as delineated in Section 3.6.

4.02. Slot Reallocation - After 30 days, any unused allocations may be re-distributed at the discretion of the Commissioner or his representative.

WEST VIRGINIA  
JOB SERVICE

PENNSYLVANIA

LOCAL OFFICES & THEIR  
ADMINISTRATIVE AREAS



- LOCAL OFFICE
- ▲ BRANCH OFFICE
- ▨ AREA I
- ▩ AREA II
- AREA III

Rev. 4/83



DEPARTMENT OF EMPLOYMENT SECURITY  
Charleston 25305

John D. Rockefeller IV  
Governor

September 2, 1983

John A. Canfield  
Commissioner

*obsolete  
180 days have  
passed*

The Honorable A. James Manchin  
Secretary of State  
Building 1  
Room W-157  
State Capitol  
Charleston, West Virginia 25305

Dear Secretary Manchin:

Pursuant to West Virginia Code §29A-3-15(a), the Commissioner of the Department of Employment Security has determined that an emergency exists, as defined in West Virginia Code §29A-3-15(e), requiring the promulgation of these emergency rules. The amendment by the Legislature at West Virginia Code §21A-2A-1, et. seq. by enactment of Enrolled Senate Bill 16 (passed June 2, 1983), establishes an Emergency Employment Supplemental Matching Program. Therefore, an emergency has arisen that necessitates the promulgation of legislative rule to comply with a time limitation established by West Virginia Code §21A-2A-3 and to prevent substantial harm to the public interest.

Please accept for emergency filing an original and one copy of these Emergency Administrative Regulations of the West Virginia Department of Employment Security implementing this Emergency Jobs Program. This program, pursuant to §21A-2A-5, cannot last for more than six months. Therefore, public hearings are not necessary.

Sincerely,

John A. Canfield  
Commissioner

cc: John R. Homburg, Legislative Services  
Legislative Rule-Making Committee

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE *Sept. 2, 1983*  
Administrative Law Division