

WEST VIRGINIA

WEST VIRGINIA DIVISION OF LABOR
1900 Kanawha Boulevard East
State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7900 labor.wv.gov Fax: (304)558-3797

MINIMUM WAGE REQUIREMENTS

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar year, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law, §21-5C.

Required Minimum Wage Rate

- Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

Required Minimum Training Wage Rate

- An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2015, a training wage that is at least \$6.40 per hour for the first 90 days of employment.

Permissible Minimum Wage Credit for Tipped Employees

- Beginning January 1, 2016, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.62 per hour.
- To qualify for the credit, employers must ensure that the employees' tips and the reduced hourly wage rate equal at least the required minimum wage rate and must keep accurate records of employees' tips.

WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT

This abstract must be placed in an area accessible to all employees in accordance with the requirements of W. Va. Code §21-5-9.

Notice to Employers / Employees

Your state has its own minimum wage law which requires posting a notice regarding the aspects of that law. Employers are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor Labor Fair Standards Act in addition to this state posting. According to the Dept. of Labor, where Federal and state law have different minimum wage rates, the higher standard applies.

This Posting is for Informational Purposes Only

Age Specific Guidelines

13 year olds may:
Baby sit Work for parents in their family business Engage in agricultural activities
Deliver Newspapers Be an actor or performer Be an actor or performer

No permits required ** excludes hazardous occupations

Employment Requirements for 14 & 15 year olds
Work Permit Required
Entitled to a 30 minute lunch hour five hours of work
Work restricted to ** non hazardous occupations

Prohibited from working in a bar or other establishment where the primary business activity involves the consumption of alcoholic beverages
Hours limited
While SCHOOL IS IN SESSION SUMMER EMPLOYMENT

May not work: May not work:
more than 3 hrs per day more than 8 hrs per day
more than 3 hrs per week more than 40 hrs per week
before 7:00 am or after 7:00 pm before 7:00 am or after 9:00 pm without supervision permit
During normal school hours

Home schooled children are also restricted from working during normal school hours.

16 & 17 year olds
Age Certificates may be required by employer
Not a requirement of law

- an age certificate may be required by the employer as proof of age
- work hours unrestricted
- may participate in volunteer fire activities
- may participate in junior forest fire activities (in part of junior forest fire)
- may work in agriculture
- prohibited from working in a bar
- prohibited from occupations involving the serving or dispensing of alcohol while working in an establishment (other than a bar) where alcohol is served, dispensed and consumed on the premises
- may not drive a motor vehicle as a principal part of their employment or for delivery purposes
- work limited to age appropriate non hazardous occupations ** regardless of whether or not an age certificate has been obtained

For additional information contact:
West Virginia Division of Labor
Capitol Complex Building 3, Room 7408
Charleston, WV 25305
(304) 558-7880, Ext. 163

WORKERS' COMPENSATION

Notice to Employers/ Employees
This is not intended to represent the law, nor does it replace any Workers' Compensation laws from your insurance carrier. Refer to your insurance carrier for more information. Employer: Refer to notice of compliance certificate of insurance from your Employer's Insurance Carrier. If you have any further inquiries, please contact your personnel office.

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WORKFORCE West Virginia

Notice To Employees Unemployment Benefits

- TOTAL UNEMPLOYMENT**
You are considered totally unemployed during any week you are totally separated from your employment, performing no services for which wages or other remuneration were paid to you.
- PARTIAL UNEMPLOYMENT**
You will be considered partially unemployed if you are not working full-time, but do have business before you, a household of dependent, or certain reasons, you receive benefits to reduce your hours during the week. You may be entitled to partial unemployment benefits during the week if you earned less than what you normally would have earned. You are considered partially unemployed if you are not working full-time, but do have business before you, a household of dependent, or certain reasons, you receive benefits to reduce your hours during the week. You may be entitled to partial unemployment benefits during the week if you earned less than what you normally would have earned. You are considered partially unemployed if you are not working full-time, but do have business before you, a household of dependent, or certain reasons, you receive benefits to reduce your hours during the week. You may be entitled to partial unemployment benefits during the week if you earned less than what you normally would have earned.

- ELIGIBILITY REQUIREMENTS**
To be monetarily eligible to receive unemployment benefits you must have earned \$200 gross wages in covered employment during two consecutive quarters of your regular base period that ends the last five completed calendar quarters or otherwise be monetarily ineligible, proceeding from the date of the individual's benefit year.

- ELIGIBILITY REQUIREMENTS - OTHER**
If you are unemployed, you may be eligible to receive benefits only if:
You have made a claim for benefits at a local unemployment office.
You have registered for work with the Job Service Office and continue to report as directed.
You are able to work and available for full-time work for which you are fitted by your training or experience.
You are actively seeking full-time work by complying for at least two weeks with active job search.

- DISQUALIFICATIONS**
You will be disqualified from receiving benefits if:
You have voluntarily quit without good cause attributable to you or to your employer.
You are not discharged or discharged for cause by your employer.
You fail to fully and without undue delay to accept suitable work when offered, or to return to your customary employment when directed to do so.

Table with 4 columns: Wage Class, Wages in Base Period, Weekly Benefit Rate, Maximum Benefit Rate. Rows include Wage Class 1 through 25.

Unemployment Compensation Benefit Rate Table

Large table with 4 columns: Wage Class, Wages in Base Period, Weekly Benefit Rate, Maximum Benefit Rate. Rows include Wage Class 1 through 25.

ENROLLED H.B. 4140

(By Delegate S. Cook)
(Passed March 11, 1994; in effect ninety days from passage)

All Act to amend those, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding therein a new section, designated section ten-a, relating to the safety and welfare of employees; and establishing a guaranteed meal break for all employees.

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES
§ 21-2-10 Meal Breaks.
During the course of a workday of six or more hours, all employers shall make available at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not otherwise necessary breaks and permitted to eat while working.

TITLE 42. SERIES 6: MINIMUM WAGE AND MAXIMUM HOUR STANDARDS
§ 42-8-9 Rest Periods.
Rest Periods of short duration, running from (5) to (20) minutes, must be counted as hours worked.

TITLE 42. SERIES 5: WAGE PAYMENT AND COLLECTION ACT
§ 42-2-2 Definitions 2.6
Break Periods and Rest Periods means when authorized by an employer, break periods and rest periods which do not exceed (20) minutes duration must be counted as hours worked.

TITLE 6: CHILD LABOR LAW
§ 21-6-7 Hours and days of labor by minors.
No child under the age of sixteen years shall be employed or permitted to work for more than four hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall, for the purposes of this section, be deemed to interrupt a continuous period of work.

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