

## WorkForce West Virginia Notice To Employees - Unemployment Benefits

Effective July 1, 2025

### What is Unemployment?

Unemployment insurance (UI) benefits provide financial assistance to those who have lost their job as a result of a reduction in full-time work. These benefits help cover living expenses while you look for new employment. You can apply for benefits the day after your unemployment ends if your wages are significantly reduced. The claim will be effective starting the last day of the week it is filed.

Your UI benefits are payable only while the federal wage payment. The rate is 10% and state wages without a 2% weekly benefit payment. If you choose not to have wages paid, you will be responsible for the full benefit amount at the end of the year.

### Total Unemployment

You are considered totally unemployed during any work week you are fully assigned from your job and not performing any work for which you are paid or receive compensation.

### Partial Unemployment

You are considered partially unemployed if you were working full-time but had your hours reduced due to business operations, equipment breakdowns, or similar reasons. You may be eligible for partial unemployment benefits if your earnings are less than your weekly unemployment benefit plus \$5.

If your employer participates in the Short-Term Compensation (STC) program, you may be eligible to receive a prorated amount of unemployment benefits based on the percentage of your hours. To qualify for STC, your employer must have an approval plan with West Virginia and must reduce your hours between 10 and 50 percent of your regular workweek.

If your employer does not participate in the STC program, you should provide your weekly unemployment benefits with a Low Earnings Report (LER) for the week, showing your gross wages. You must complete the claims portion of the LER and file it with your local office as instructed on the form.

### Eligibility Requirements

To be eligible for unemployment benefits, you must have earned at least \$2,000 in gross wages during the 12-month period immediately preceding the week you filed your claim. You must also be a resident of West Virginia and be under the age of 65.

- Register for work with Job Service and complete reporting as directed.
- Be able to work and available for full-time work that matches your training or experience.
- Actively seek full-time work by completing at least four job work search activities each week, documenting them, and sending them to the Agency upon request.
- Complete a one-week unpaid waiting period during your benefit year.

• Earn less than your weekly benefit amount plus \$5 during each week your claim benefits.

• Be eligible for benefits after a previous benefit year if you have earned at least eight times your previous weekly benefit amount in the 12 months immediately preceding the start of your previous claim.

• Participate in profiling and unemployment services when assigned.

### How Do I Apply for Benefits?

The quickest way to apply for a claim is at workthroughwv.com. If you're unable to apply online, you can visit the nearest local office. There, you'll have access to computer and staff help to get you claim. If you need a Social Security number, call 1-800-255-0000 (SSN) for assistance. You will be guided through the process and your claim.

To be eligible, you will need information such as:

- Social Security number
- Government-issued photo ID
- Mailing address and phone number
- Email address
- If a U.S. citizen, Proof of alien status
- Employer names, address, and phone numbers
- Dates and last dates worked for each employer
- Reason for leaving or no contact for hours
- If filing during your last week of work, your gross earnings for that week.

### Weekly Certifications

Once your initial claim is filed, you must submit a weekly certification for every week you wish to receive benefits. Weekly certifications can be filed in the same manner as your initial claim—online or in person.

### Disqualifications

You may be disqualified from receiving unemployment benefits if:

- You quit your job without good cause, and it was not due to fault on the part of your employer.
- You are under final reassignment.
- You fail to apply for available suitable work, accept outside work when offered, or return to your customary self-employment when directed.
- You are unemployed due to a labor dispute.
- You are assigned to work at a non-work location for temporary total disability during the week.
- You receive unemployment compensation under the laws of another state or the United States during the week.
- You are training, participating, or preparing to participate in professional sports or athletic events with reasonable assurance of performing such services in the current or upcoming season.
- You are an employee of an educational institution or service agency for any week of unemployment that starts during a paid academic leave, a holiday or vacation period begins, and you have a contract or reasonable assurance that you will perform services in the next academic year or term, or after the holiday/vacation period. Exceptions if you have enough non-school wages to your have period to qualify for benefits based on those wages after, you may be entitled to benefits during that period.
- You perform services as an alien, unless you are lawfully residing in the United States and work a valid work permit.
- You quit work to attend school or attend school at another educational institution.

• You are unemployed because you or your authorized agent requested vacation at a specified time that forces your employer to suspend operations.

• You receive any annuity, pension, or retirement pay from a base period employer or a related party. If your reassignment is less than your unemployment benefits, your benefits will be reduced by the amount of the annuity, pension, or retirement pay.

• Within a benefit 12 months, you knowingly made a statement or failed to disclose a material fact to obtain, attempt to obtain, or increase benefits. This can result in a misdemeanor charge, fines, penalties, and disqualification for 90 weeks if convicted and for 52 weeks if not convicted.

The full consequences and length of a disqualification are not explained here.

### Local Office

The following local office locations are open Monday through Friday:

Beckley	Farmington	Martinsburg	South Branch
Charleston	Greensboro	Summers	Summers
Clarksburg	Huntington	Morgantown	Weston
Elkins	Logan	Parkersburg	Wheeling

### For More Information

For more information, visit [workthroughwv.com](http://workthroughwv.com) or call the UI call center at 1-800-255-0000.

**WEST VIRGINIA DIVISION OF LABOR**  
1900 Kanawha Boulevard East  
State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305  
Telephone: (304)558-7800 laborwv.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 week, 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 of at least \$6.40 per hour for the first 90 days of employment.
- Beginning with the 91<sup>st</sup> day of employment, an employer must pay the employee the required minimum wage rate.

### 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.

Revised January 2018

## Notice to Employers / Workers

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 Law which requires posting in addition to this state posting. According to the Dept. of Labor, where Federal and state laws have different minimum wage rates, the higher standard applies.

**This Posting is for Informational Purposes Only**

## 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 §21-5-5C.

### §21-5-5C REQUIRES THE EMPLOYER TO:

Pay employees wages at least twice a month, with no more than 14 days between paydays. Compensate employees for services rendered by cash, check, direct deposit, or money order, and make arrangements with a bank convenient to the place of employment for employees to have immediate access to their wages.

When an employee is discharged, quits, resigns, is laid off, or is on strike, pay the employee on or after the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment.

On separation from employment, pay an employee the wages he or she earned and payable according to the time, terms, and conditions of an employer-employee agreement, whether verbal or written, if any.

Notify employees in writing at the time of hire, or by a posted notice that is accessible to all employees, identifying the employer's established work week, pay periods, regularly scheduled pay days, and employment practices and policies regarding vacation, sick leave and other fringe benefits, if any.

Provide employees with at least 1 full pay period's written notice before making any changes to an employee's rate of pay, fringe benefits, the time and place for meeting payroll, or any other existing terms or conditions of employment.

Furnish each employee with a written itemized statement of deductions withheld from his or her wages each pay period.

### §21-5-5 PREVENTS THE EMPLOYER FROM:

Selling goods or supplies to employees at prices higher than the current market value. Deducting more than 25% of an employee's net earnings under a wage assignment (excluding amounts required by law to be withheld or paid to or for club dues, pension plans, payroll savings plans, credit unions, charities, and hospitalization and medical insurance).

Accepting a wage assignment that does not contain the employer's notarized signature, specify the total amount due to be deducted, and state that 75% of the employee's net wages are exempt from assignment.

Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee.

Revised January 2018

## NOTICE

### THE WEST VIRGINIA HUMAN RIGHTS ACT

Prohibits Discrimination in Employment and Places of Public Accommodations Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness, or Disability

### THE WEST VIRGINIA FAIR HOUSING ACT

Prohibits Discrimination in Housing Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Blindness, Disability, Familial Status

### THE WEST VIRGINIA PREGNANT WORKERS' FAIRNESS ACT

Prohibits Discrimination in Employment Based On: Pregnancy, Childbirth or Related Medical Conditions

For Further Information or to File a Complaint, Visit Call or Write to the WV Human Rights Commission at:

WV Human Rights Commission  
Room 108 A  
1321 Plaza East  
Charleston, WV 25301-1400

Phone: 304-556-2516  
Toll Free: 888-676-6164  
Fax: 304-558-0065  
Website: hrwc.wv.gov

Revised 02/20/21

## WORKERS' COMPENSATION

### Notice to Employers/Workers

This is in place to represent the law, not does it replace any Workers' Compensation posting requirements within your state.

Employers: Please refer to notices of compliance/certificate of insurance with Workers' Compensation Laws from your insurance carrier next to this poster.

Employees: 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.

**This Posting is for Informational Purposes Only**



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