

## Division of Labor Minimum Wage Requirements

### Effective January 1, 2015

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.

### Required Minimum Wage Rates

- Beginning July 1, 2008, employers must pay employees at least \$7.25 per hour.
- Beginning January 1, 2015, employers must pay employees at least \$8.00 per hour.
- Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

### Required Minimum Training Wage Rates

- An employer may pay an employee under the age of 20 years, first hired on or after July 1, 2006, a training wage of at least \$5.15 per hour for the first 90 days of employment.
- 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 91st day of employment, an employer must pay the employee the required minimum wage rate.

### Permissible Minimum Wage Credit for Tipped Employees

- Beginning January 1, 2015**, employers may take up to a 70% credit, or \$5.60 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.40 per hour.
- 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.**

If you have any questions, please contact the

**WEST VIRGINIA DIVISION OF LABOR**  
STATE CAPITOL COMPLEX  
BUILDING 6, ROOM B-749  
CHARLESTON, WV 25305  
TELEPHONE - 304.558.7890  
EMAIL - [wageandhour@wv.gov](mailto:wageandhour@wv.gov)

REV. 01/2015

**NOTICE:** This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act posting, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate. **THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.**

## Division of Labor Age Specific Guidelines for the employment of children in West Virginia

### 13 year olds may

- Baby sit
- Deliver Newspapers
- Work for parents in their solely owned business \*
- Engage in agricultural activities

Be an actor or performer

**No permits required**

\*\*excludes hazardous occupations

### 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 fighting forest fires (as part of junior forest fire crew)
- 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

**THE WEST VIRGINIA DIVISION OF LABOR**  
CAPITOL COMPLEX BUILDING 6, ROOM 749B  
CHARLESTON, WV 25305  
(304) 558-7890, Ext. 163

\* call for eligibility requirements

\*\* as determined by the Commissioner of Labor

- | WHILE SCHOOL IS IN SESSION   | SUMMER EMPLOYMENT  |
|--|--|
| May not work:  | May not work:  |
| <ul style="list-style-type: none"> <li>more than 3 hrs per day</li> <li>more than 18 hrs per week</li> <li>before 7:00 am or after 7:00 pm **without supervision permit</li> <li>During normal school hours</li> </ul> | <ul style="list-style-type: none"> <li>more than 8 hrs per day</li> <li>more than 40 hrs per week</li> <li>before 7:00 am or after 9:00 pm **without supervision permit</li> </ul> |
- Home schooled children are also restricted from working during normal school hours.

## Division of Labor Enrolled H.B. 4140

### ENROLLED H.B. 4140

(By Delegate S. Cook)

(Passed March 11, 1994; in effect ninety days from passage)

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

Be it enacted by the Legislature of West Virginia:

That article three, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-a, to read as follows:

### ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES

#### §21-3-10a 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 afforded necessary breaks and/or permitted to eat while working.

**NOTICE:** This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance/certificate of insurance. Employees should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation.

**THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.**

## Human Rights Commission

### 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: 304-558-2616  
(TOLL FREE) 888-676-5546  
FAX: 304-558-0085  
WEBSITE: [www.hrc.wv.gov](http://www.hrc.wv.gov)

Rev. 06/14/2016

## Notice To Employees – Unemployment Benefits

### TOTAL UNEMPLOYMENT

You are considered totally unemployed during any week in which you are totally separated from your employment, performing no services for which wages or other remuneration were paid to you.

You must file your initial claim for total unemployment in person. Since a claim for unemployment compensation is effective the Sunday of the week in which it is filed, you should file your claim immediately after you are separated from your employment. You will be instructed on filing your continued claim. Your options for filing continued claims will include telephone or web filing.

### PARTIAL UNEMPLOYMENT

You would be considered partially unemployed if you have been working full-time, but due to business being slow, a breakdown of equipment, or similar reasons, your employer has to reduce your hours during the week. You may be entitled to partial unemployment benefits during this week if you earned less than what your weekly unemployment benefit amount would be plus \$60. Under these conditions, your employer should issue a Low Earnings Report for the week, showing your gross wages. You must complete the claims portion of the Low Earnings Report and file it with the local unemployment office as directed on the form.

### ELIGIBILITY REQUIREMENTS

To be monetarily eligible to receive unemployment benefits you must have earned \$2200 gross wages in covered employment during two or more calendar quarters of your regular base period (first four of the last five completed calendar quarters) or alternative base period (the last four quarters immediately preceding the first day of the individual's benefit year).

### ELIGIBILITY REQUIREMENTS - OTHER

If you are unemployed, you shall 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 prior training or experience.
- You are doing what a reasonable prudent person in your situation would do to find work.
- You have filed for and served a waiting period of one week during your benefit year.
- You have earned gross wages of less than your weekly benefit amount plus \$60 during the week for which you claim benefits.
- You requalify on a new claim when you had a previous benefit year (must have earned eight times your old weekly benefit amount in covered employment after the beginning of your previous claim).
- You must participate in profiling and reemployment services when selected.

### DISQUALIFICATIONS

You may be disqualified from drawing benefits:

- If you leave work voluntarily without good cause involving fault on the part of your employer.
- If you are discharged for misconduct.
- If you fail without good cause to apply for available suitable work, to accept suitable work when offered, or to return to your customary self-employment when directed to do so.
- If you are unemployed due to a labor dispute.
- For the week for which you receive wages in lieu of notice or Workers' Compensation for temporary total disability.
- For the week for which you receive unemployment compensation under the laws of another state or of the United States.
- For any week you are training, participating, or preparing to participate in sports or athletic events if there is reasonable assurance you will perform such services in the current or upcoming seasons.
- If you are an employee of an educational institution or educational service agency, for any week of unemployment which commences

during a paid sabbatical leave; a holiday or vacation period between two academic years or terms, if you perform services in the first academic year or term or prior to the beginning of a holiday or vacation period and there is a contract or a reasonable assurance that you will perform services in the second academic year or term or after a holiday or vacation period. (EXCEPTION: If you have sufficient nonschool wages in your base period to qualify for benefits based upon the non-school wages only, you may be entitled to benefits during this period.)

- For any week on the basis of services performed as an alien, unless you are lawfully residing in the United States and have a valid permit to work.
- If you leave work voluntarily to attend school or other educational institution, or are waiting to enter school or an educational institution.
- For each week in which you are unemployed because of your request or that of your duly-authorized agent for a vacation at a specified time that leaves your employer no other alternative but to suspend operations.
- For the week in which you receive any annuity, pension, or other retirement pay from a base period employer, or from a fund towards which a base period employer has contributed. If your remuneration is less than the unemployment benefits otherwise due you, your unemployment benefits will be reduced by the amount of your annuity, pension, etc.
- For each week in which and for 52 weeks thereafter, if the commissioner finds that you, within the preceding 24 months, knowingly made a false statement or failed to reveal a material fact in order to obtain or increase or attempt to obtain or increase a benefit; and you shall be considered guilty of a misdemeanor and may be subject to severe penalties.

**Neither the full effect nor the duration of a disqualification is given here in detail.**

### SOCIAL SECURITY NUMBER

Bring your Social Security Card with you when you report to the local office. Your Social Security Number will only be printed on the most pertinent documents.

### VOLUNTARY INCOME TAX WITHHOLDING PROGRAM

Unemployment compensation benefits are subject to Federal income tax and there are requirements relating to estimated tax payments. You may choose to have Federal income tax deducted and withheld from any unemployment benefits paid to you.

### CLAIMS OFFICES

These **FULL-TIME CLAIMS OFFICES** are operated Monday through Friday each week:

BECKLEY	MERCER COUNTY
CHARLESTON	MORGANTOWN
CLARKSBURG	PARKERSBURG
ELKINS	SOUTH BRANCH
FAIRMONT	SUMMERSVILLE
HUNTINGTON	WEIRTON
LOGAN	WELCH
MARTINSBURG	WHEELING
CLAY	PT. PLEASANT
GREENBRIER VALLEY	SPENCER
KINGWOOD	WEBSTER SPRINGS
MARLINTON	WESTON
MONTGOMERY	WILLIAMSON
NEW MARTINSVILLE	

\*The days and hours for these **ITINERANT POINTS** vary. For exact schedule, inquire at any claims office.

**\*ITINERANT POINTS** are subject to change.

### Unemployment Compensation Benefit Rate Table

Wage Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate	Wage Class	Wages in Base Period	Weekly Benefit Rate	Maximum Benefit Rate
	Under \$2,200	ineligible		53	10,000.00 - 10,149.99	106.00	2,756.00
1	\$2,200.00 - 2,349.99	24.00	624.00	54	10,150.00 - 10,299.99	108.00	2,808.00
2	2,350.00 - 2,499.99	25.00	650.00	55	10,300.00 - 10,449.99	109.00	2,834.00
3	2,500.00 - 2,649.99	27.00	702.00	56	10,450.00 - 10,599.99	111.00	2,886.00
4	2,650.00 - 2,799.99	28.00	728.00	57	10,600.00 - 10,749.99	112.00	2,912.00
5	2,800.00 - 2,949.99	30.00	780.00	58	10,750.00 - 10,899.99	114.00	2,964.00
6	2,950.00 - 3,099.99	31.00	806.00	59	10,900.00 - 11,049.99	116.00	3,016.00
7	3,100.00 - 3,249.99	33.00	858.00	60	11,050.00 - 11,199.99	117.00	3,042.00
8	3,250.00 - 3,399.99	35.00	910.00	61	11,200.00 - 11,349.99	119.00	3,094.00
9	3,400.00 - 3,549.99	36.00	936.00	62	11,350.00 - 11,499.99	120.00	3,120.00
10	3,550.00 - 3,699.99	38.00	988.00	63	11,500.00 - 11,649.99	122.00	3,172.00
11	3,700.00 - 3,849.99	39.00	1,014.00	64	11,650.00 - 11,799.99	124.00	3,224.00
12	3,850.00 - 3,999.99	41.00	1,066.00	65	11,800.00 - 11,949.99	125.00	3,250.00
13	4,000.00 - 4,149.99	43.00	1,118.00	66	11,950.00 - 12,099.99	127.00	3,302.00
14	4,150.00 - 4,299.99	44.00	1,144.00	67	12,100.00 - 12,249.99	128.00	3,328.00
15	4,300.00 - 4,449.99	46.00	1,196.00	68	12,250.00 - 12,399.99	130.00	3,380.00
16	4,450.00 - 4,599.99	47.00	1,222.00	69	12,400.00 - 12,549.99	131.00	3,406.00
17	4,600.00 - 4,749.99	49.00	1,274.00	70	12,550.00 - 12,699.99	133.00	3,458.00
18	4,750.00 - 4,899.99	51.00	1,326.00	71	12,700.00 - 12,849.99	135.00	3,510.00
19	4,900.00 - 5,049.99	52.00	1,352.00	72	12,850.00 - 12,999.99	136.00	3,536.00
20	5,050.00 - 5,199.99	54.00	1,404.00	73	13,000.00 - 13,149.99	138.00	3,588.00
21	5,200.00 - 5,349.99	55.00	1,430.00	74	13,150.00 - 13,299.99	139.00	3,614.00
22	5,350.00 - 5,499.99	57.00	1,482.00	75	13,300.00 - 13,449.99	141.00	3,666.00
23	5,500.00 - 5,649.99	58.00	1,508.00	76	13,450.00 - 13,599.99	143.00	3,718.00
24	5,650.00 - 5,799.99	60.00	1,560.00	77	13,600.00 - 13,749.99	144.00	3,744.00
25	5,800.00 - 5,949.99	62.00	1,612.00	78	13,750.00 - 13,899.99	146.00	3,796.00
26	5,950.00 - 6,099.99	63.00	1,638.00	79	13,900.00 - 14,049.99	147.00	3,822.00
27	6,100.00 - 6,249.99	65.00	1,690.00	80	14,050.00 - 14,199.99	149.00	3,874.00
28	6,250.00 - 6,399.99	66.00	1,716.00	81	14,200.00 - 14,349.99	150.00	3,900.00
29	6,400.00 - 6,549.99	68.00	1,768.00	82	14,350.00 - 14,499.99	152.00	3,952.00
30	6,550.00 - 6,699.99	70.00	1,820.00	83	14,500.00 - 14,649.99	154.00	4,004.00
31	6,700.00 - 6,849.99	71.00	1,846.00	84	14,650.00 - 14,799.99	155.00	4,030.00
32	6,850.00 - 6,999.99	73.00	1,898.00	85	14,800.00 - 14,949.99	157.00	4,082.00
33	7,000.00 - 7,149.99	74.00	1,924.00	86	14,950.00 - 15,099.99	158.00	4,108.00
34	7,150.00 - 7,299.99	76.00	1,976.00	87	15,100.00 - 15,249.99	160.00	4,160.00
35	7,300.00 - 7,449.99	78.00	2,028.00	88	15,250.00 - 15,399.99	162.00	4,212.00
36	7,450.00 - 7,599.99	79.00	2,054.00	89	15,400.00 - 15,549.99	163.00	4,238.00
37	7,600.00 - 7,749.99	81.00	2,106.00	90	15,550.00 - 15,699.99	165.00	4,290.00
38	7,750.00 - 7,899.99	82.00	2,132.00	91	15,700.00 - 15,849.99	166.00	4,316.00
39	7,900.00 - 8,049.99	84.00	2,184.00	92	15,850.00 - 15,999.99	168.00	4,368.00
40	8,050.00 - 8,199.99	85.00	2,210.00	93	16,000.00 - 16,149.99	170.00	4,420.00
41	8,200.00 - 8,349.99	87.00	2,262.00	94	16,150.00 - 16,299.99	171.00	4,446.00
42	8,350.00 - 8,499.99	89.00	2,314.00	95	16,300.00 - 16,449.99	173.00	4,498.00
43	8,500.00 - 8,649.99	90.00	2,340.00	96	16,450.00 - 16,599.99	174.00	4,524.00
44	8,650.00 - 8,799.99	92.00	2,392.00	97	16,60		