

### FED EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

#### FEDERAL MINIMUM WAGE

## \$7.25 PER HOUR

### BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

At least 1 1/2 times the regular rate of pay for all hours worked over 40 in a workweek.

### CHILD LABOR

Employers of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.13 per hour if they claim a tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

### PUMP AT WORK

The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

### ENFORCEMENT

The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each violation or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA's child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled where the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

### ADDITIONAL INFORMATION

- Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.
- Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.
- Some state laws provide greater employee protections; employers must comply with both.
- Some employees incorrectly classify workers as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.
- Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.

DEPARTMENT OF LABOR UNITED STATES OF AMERICA

**WHD** WAGE AND HOUR DIVISION UNITED STATES DEPARTMENT OF LABOR

1-866-487-9243  
www.dol.gov/agencies/whd

WHT008 REV. 04/2023

### WV Minimum Wage Requirements

#### WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex  
Building 3, Room 200 - Charleston, WV 25305  
Telephone: (304)558-7890  
labor.wv.gov  
Fax: (304)558-3797

An employer employing 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, 51-2-5C.

### 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.

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 poster, 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 employer is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

### WV Wage Payment and Collection Act

#### WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex  
Building 3, Room 200 - Charleston, WV 25305  
Telephone: (304)558-7890  
labor.wv.gov  
Fax: (304)558-3797

This abstract must be placed in an area accessible to all employees in accordance with the requirements of W. Va. Code 521-5-9.

### 521-5 REQUIRES THE EMPLOYER TO:

Pay employee wages at least twice a month, with no more than 19 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 before 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 fringe benefits due and payable according to the time, terms, and conditions of an employee-employer 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.

### 521-5 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 for union or club dues, pension plans, payroll savings plans, credit unions, charities, and hospitalization and medical insurance).

Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount 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.

Rev. 01/2018

### WV 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

Rev. 06/14/2016

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. Employers 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.

WVC-8-59

Wage Class	Wages in Past Period	Weekly Benefit Rate	Maximum Benefit Rate	Wages in Past Period	Weekly Benefit Rate	Maximum Benefit Rate	
1	52,000.00 - 54,999.99	260.00	474.00	193	11,000.00 - 11,499.99	338.00	628.00
2	2,300.00 - 2,499.99	25.00	45.00	194	11,500.00 - 11,999.99	341.00	631.00
3	2,500.00 - 2,699.99	25.00	45.00	195	12,000.00 - 12,499.99	344.00	634.00
4	2,700.00 - 2,799.99	26.00	45.00	196	12,500.00 - 12,999.99	347.00	637.00
5	2,800.00 - 2,899.99	26.00	45.00	197	13,000.00 - 13,499.99	350.00	640.00
6	2,900.00 - 2,999.99	26.00	45.00	198	13,500.00 - 13,999.99	353.00	643.00
7	3,000.00 - 3,099.99	26.00	45.00	199	14,000.00 - 14,499.99	356.00	646.00
8	3,100.00 - 3,199.99	26.00	45.00	200	14,500.00 - 14,999.99	359.00	649.00
9	3,200.00 - 3,299.99	26.00	45.00	201	15,000.00 - 15,499.99	362.00	652.00
10	3,300.00 - 3,399.99	26.00	45.00	202	15,500.00 - 15,999.99	365.00	655.00
11	3,400.00 - 3,499.99	26.00	45.00	203	16,000.00 - 16,499.99	368.00	658.00
12	3,500.00 - 3,599.99	26.00	45.00	204	16,500.00 - 16,999.99	371.00	661.00
13	3,600.00 - 3,699.99	26.00	45.00	205	17,000.00 - 17,499.99	374.00	664.00
14	3,700.00 - 3,799.99	26.00	45.00	206	17,500.00 - 17,999.99	377.00	667.00
15	3,800.00 - 3,899.99	26.00	45.00	207	18,000.00 - 18,499.99	380.00	670.00
16	3,900.00 - 3,999.99	26.00	45.00	208	18,500.00 - 18,999.99	383.00	673.00
17	4,000.00 - 4,099.99	26.00	45.00	209	19,000.00 - 19,499.99	386.00	676.00
18	4,100.00 - 4,199.99	26.00	45.00	210	19,500.00 - 19,999.99	389.00	679.00
19	4,200.00 - 4,299.99	26.00	45.00	211	20,000.00 - 20,499.99	392.00	682.00
20	4,300.00 - 4,399.99	26.00	45.00	212	20,500.00 - 20,999.99	395.00	685.00
21	4,400.00 - 4,499.99	26.00	45.00	213	21,000.00 - 21,499.99	398.00	688.00
22	4,500.00 - 4,599.99	26.00	45.00	214	21,500.00 - 21,999.99	401.00	691.00
23	4,600.00 - 4,699.99	26.00	45.00	215	22,000.00 - 22,499.99	404.00	694.00
24	4,700.00 - 4,799.99	26.00	45.00	216	22,500.00 - 22,999.99	407.00	697.00
25	4,800.00 - 4,899.99	26.00	45.00	217	23,000.00 - 23,499.99	410.00	700.00
26	4,900.00 - 4,999.99	26.00	45.00	218	23,500.00 - 23,999.99	413.00	703.00
27	5,000.00 - 5,099.99	26.00	45.00	219	24,000.00 - 24,499.99	416.00	706.00
28	5,100.00 - 5,199.99	26.00	45.00	220	24,500.00 - 24,999.99	419.00	709.00
29	5,200.00 - 5,299.99	26.00	45.00	221	25,000.00 - 25,499.99	422.00	712.00
30	5,300.00 - 5,399.99	26.00	45.00	222	25,500.00 - 25,999.99	425.00	715.00
31	5,400.00 - 5,499.99	26.00	45.00	223	26,000.00 - 26,499.99	428.00	718.00
32	5,500.00 - 5,599.99	26.00	45.00	224	26,500.00 - 26,999.99	431.00	721.00
33	5,600.00 - 5,699.99	26.00	45.00	225	27,000.00 - 27,499.99	434.00	724.00
34	5,700.00 - 5,799.99	26.00	45.00	226	27,500.00 - 27,999.99	437.00	727.00
35	5,800.00 - 5,899.99	26.00	45.00	227	28,000.00 - 28,499.99	440.00	730.00
36	5,900.00 - 5,999.99	26.00	45.00	228	28,500.00 - 28,999.99	443.00	733.00
37	6,000.00 - 6,099.99	26.00	45.00	229	29,000.00 - 29,499.99	446.00	736.00
38	6,100.00 - 6,199.99	26.00	45.00	230	29,500.00 - 29,999.99	449.00	739.00
39	6,200.00 - 6,299.99	26.00	45.00	231	30,000.00 - 30,499.99	452.00	742.00
40	6,300.00 - 6,399.99	26.00	45.00	232	30,500.00 - 30,999.99	455.00	745.00
41	6,400.00 - 6,499.99	26.00	45.00	233	31,000.00 - 31,499.99	458.00	748.00
42	6,500.00 - 6,599.99	26.00	45.00	234	31,500.00 - 31,999.99	461.00	751.00
43	6,600.00 - 6,699.99	26.00	45.00	235	32,000.00 - 32,499.99	464.00	754.00
44	6,700.00 - 6,799.99	26.00	45.00	236	32,500.00 - 32,999.99	467.00	757.00
45	6,800.00 - 6,899.99	26.00	45.00	237	33,000.00 - 33,499.99	470.00	760.00
46	6,900.00 - 6,999.99	26.00	45.00	238	33,500.00 - 33,999.99	473.00	763.00
47	7,000.00 - 7,099.99	26.00	45.00	239	34,000.00 - 34,499.99	476.00	766.00
48	7,100.00 - 7,199.99	26.00	45.00	240	34,500.00 - 34,999.99	479.00	769.00
49	7,200.00 - 7,299.99	26.00	45.00	241	35,000.00 - 35,499.99	482.00	772.00
50	7,300.00 - 7,399.99	26.00	45.00	242	35,500.00 - 35,999.99	485.00	775.00
51	7,400.00 - 7,499.99	26.00	45.00	243	36,000.00 - 36,499.99	488.00	778.00
52	7,500.00 - 7,599.99	26.00	45.00	244	36,500.00 - 36,999.99	491.00	781.00
53	7,600.00 - 7,699.99	26.00	45.00	245	37,000.00 - 37,499.99	494.00	784.00
54	7,700.00 - 7,799.99	26.00	45.00	246	37,500.00 - 37,999.99	497.00	787.00
55	7,800.00 - 7,899.99	26.00	45.00	247	38,000.00 - 38,499.99	500.00	790.00
56	7,900.00 - 7,999.99	26.00	45.00	248	38,500.00 - 38,999.99	503.00	793.00
57	8,000.00 - 8,099.99	26.00	45.00	249	39,000.00 - 39,499.99	506.00	796.00
58	8,100.00 - 8,199.99	26.00	45.00	250	39,500.00 - 39,999.99	509.00	799.00
59	8,200.00 - 8,299.99	26.00	45.00	251	40,000.00 - 40,499.99	512.00	802.00
60	8,300.00 - 8,399.99	26.00	45.00	252	40,500.00 - 40,999.99	515.00	805.00
61	8,400.00 - 8,499.99	26.00	45.00	253	41,000.00 - 41,499.99	518.00	808.00
62	8,500.00 - 8,599.99	26.00	45.00	254	41,500.00 - 41,999.99	521.00	811.00
63	8,600.00 - 8,699.99	26.00	45.00	255	42,000.00 - 42,499.99	524.00	814.00
64	8,700.00 - 8,799.99	26.00	45.00	256	42,500.00 - 42,999.99	527.00	817.00
65	8,800.00 - 8,899.99	26.00	45.00	257	43,000.00 - 43,499.99	530.00	820.00
66	8,900.00 - 8,999.99	26.00	45.00	258	43,500.00 - 43,999.99	533.00	823.00
67	9,000.00 - 9,099.99	26.00	45.00	259	44,000.00 - 44,499.99	536.00	826.00
68	9,100.00 - 9,199.99	26.00	45.00	260	44,500.00 - 44,999.99	539.00	829.00
69	9,200.00 - 9,299.99	26.00	45.00	261	45,000.00 - 45,499.99	542.00	832.00
70	9,300.00 - 9,399.99	26.00	45.00	262	45,500.00 - 45,999.99	545.00	835.00
71	9,400.00 - 9,499.99	26.00	45.00	263	46,000.00 - 46,499.99	548.00	838.00
72	9,500.00 - 9,599.99	26.00	45.00	264	46,500.00 - 46,999.99	551.00	841.00
73	9,600.00 - 9,699.99	26.00	45.00	265	47,000.00 - 47,499.99	554.00	844.00
74	9,700.00 - 9,799.99	26.00	45.00	266	47,500.00 - 47,999.99	557.00	847.00
75	9,800.00 - 9,899.99	26.00	45.00	267	48,000.00 - 48,499.99	560.00	850.00
76	9,900.00 - 9,999.99	26.00	45.00	268	48,500.00 - 48,999.99	563.00	853.00
77	10,000.00 - 10,099.99	26.00	45.00	269	49,000.00 - 49,499.99	566.00	856.00
78	10,100.00 - 10,199.99	26.00	45.00	270	49,500.00 - 49,999.99	569.00	859.00
79	10,200.00 - 10,299.99	26.00	45.00	271	50,000.00 - 50,499.99	572.00	862.00
80	10,300.00 - 10,399.99	26.00	45.00	272	50,500.00 - 50,999.99	575.00	865.00
81	10,400.00 - 10,499.99	26.00	45.00	273	51,000.00 - 51,499.99	578.00	868.00