

H. B. 3102

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(By Delegates Manchin, Skinner, Young, Tomblin, Barrett, Lynch, Fleischauer, Lawrence, Miley, Caputo and Longstret)

[Introduced March 25, 2013; referred to the Committee on Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to raising the minimum wage.

*Be it enacted by the Legislature of West Virginia:*

That §21-5C-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5C. MINIMUM WAGE AND MAXIMUM HOURS STANDARDS FOR EMPLOYEES.**

**§21-5C-2. Minimum wages.**

(a) *Minimum wage:*

~~(1) After June 30, 2006, every employer shall pay to each of his or her employees wages at a rate not less than \$5.85 per hour.~~

~~(2) After June 30, 2007, every employer shall pay to each of his or her employees wages at a rate not less than \$6.55 per hour.~~

~~(3)~~ (1) After June 30, 2008, every employer shall pay to each of his or her employees wages at a rate not less than \$7.25 per hour.

1        (2) After June 30, 2014, every employer shall pay to each of  
2 his or her employees wages at a rate not less than \$9.00 per hour.

3        ~~(4) At such time as~~ (3) When the federal minimum hourly wage  
4 as prescribed by 29 U.S.C. §206(a)(1) is equal to or greater than  
5 the wage rate prescribed in subdivision ~~(3)~~ (2) of this subsection,  
6 every employer shall pay to each of his or her employees wages at  
7 a rate of not less than the federal minimum hourly wage as  
8 prescribed by 29 U.S.C. §206(a)(1). The minimum wage rates  
9 required under this subparagraph shall be thereafter adjusted in  
10 accordance with adjustments made in the federal minimum hourly  
11 rate. The adoption of the federal minimum wage provided by this  
12 subdivision includes only the federal minimum hourly rate  
13 prescribed in 29 U.S.C. §206(a)(1) and does not include other wage  
14 rates, conditions, exclusions, or exceptions to the federal minimum  
15 hourly wage rate. In addition, adoption of the federal minimum  
16 hourly wage rate does not extend or modify the scope or coverage of  
17 the minimum wage rate required under this subdivision.

18        (b) *Training wage:*

19        (1) Notwithstanding the provisions set forth in subsection (a)  
20 of this section to the contrary, an employer may pay an employee  
21 first hired after June 30, 2006, a subminimum training wage not  
22 less than \$5.15 per hour.

23        (2) An employer may not pay the subminimum training wage set  
24 forth in subdivision (1) of this subsection to any individual:

1 (i) Who has attained or attains while an employee of the  
2 employer, the age of twenty years; or

3 (ii) For a cumulative period of not more than ninety days per  
4 employee: *Provided*, That if any business has not been in operation  
5 for more than ninety days at the time the employer hired the  
6 employee, the employer may pay the employee the subminimum training  
7 wage set forth in subdivision (1) of this subsection for an  
8 additional period not to exceed ninety days.

9 (3) ~~At such time as~~ When the federal subminimum training wage  
10 as prescribed by 29 U.S.C. §206(g)(1) is equal to or greater than  
11 the wage rate prescribed in subdivision (1) of this subsection,  
12 every employer shall pay to each of his or her employees wages at  
13 a rate of not less than the federal minimum hourly wage as  
14 prescribed by 29 U.S.C. §206(g)(1). The minimum wage rates  
15 required under this subparagraph shall be thereafter adjusted in  
16 accordance with adjustments made in the federal minimum hourly  
17 rate. The adoption of the federal minimum wage provided by this  
18 subdivision includes only the federal minimum hourly rate  
19 prescribed in 29 U.S.C. §206(g)(1) and does not include other wage  
20 rates, conditions, exclusions, or exceptions to the federal minimum  
21 hourly wage rate. In addition, adoption of the federal minimum  
22 hourly wage rate does not extend or modify the scope or coverage of  
23 the minimum wage rate required under this subdivision.

24 (c) Notwithstanding any provision or definition to the

1 contrary, the wages established pursuant to this section ~~shall be~~  
2 are applicable to all individuals employed by the State of West  
3 Virginia, its agencies, and departments, regardless if ~~such the~~  
4 employee or employer ~~are~~ is subject to any federal act relating to  
5 minimum wage: *Provided*, That at no time ~~shall~~ may the minimum wage  
6 established pursuant to this section fall below the federal minimum  
7 hourly wage as prescribed by 29 U.S.C. §206(a) (1).

NOTE: The purpose of this bill is to raise the West Virginia minimum wage to \$9.00 an hour, effective July 1, 2014.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.