WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4507

By Delegates Zukoff, Young, and Fluharty

[Introduced February 02, 2022; Referred to the Committee on Workforce Development then the Judiciary]

A BILL to amend and reenact §21-5C-4 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum wage paid to persons who receive tips.

Be it enacted by the Legislature of West Virginia:

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

§21-5C-4. Credits.

Prior to January 1, 2015, in determining whether an employer is paying an employee wages and overtime compensation as provided in §21-5C-2 and §21-5C-3 of this code, there shall be provided in accordance with the regulations which shall be promulgated by the commissioner a credit to the employer of 20 percent of the hourly rate of the amount paid an employee customarily receiving gratuities, and a reasonable credit for board and lodging furnished to an employee: *Provided,* That after December 31, 2014, in determining whether an employer is paying an employee wages and overtime compensation as provided in §21-5C-2 and §21-5C-3 of this code, there shall be provided in accordance with the legislative rules proposed for promulgation by the commissioner a credit to the employer of ~~seventy~~ 50 percent of the hourly rate of the amount paid an employee customarily receiving gratuities, and a reasonable credit for board and lodging furnished to an employee. The commissioner shall propose legislative rules for promulgation relating to maximum allowances to employers for room and board furnished to employees: *Provided,* *however,* Thatthe employer shall be required to furnish to the commissioner upon request, documentary evidence that the employee is receiving at least ~~seventy~~ 50 percent of the minimum wage in gratuities or is receiving room and lodging in accordance with the rules and regulations promulgated by the commissioner.

NOTE: The purpose of this bill is to increase the minimum wage requirements for employees that customary receive tips. Currently the 70% credit results in the minimum wage for persons receiving tips being $2.62. The increase to 50% bill would increase tip earners minimum wage to $4.38.

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