

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 4023

(By Delegates Brown, Amores, Caputo,
Hartman, Hrutkay, and R. Thompson)



Passed March 11, 2006

In Effect Ninety Days from Passage

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HB 4023

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FOR

H. B. 4023

(BY DELEGATES BROWN, AMORES, CAPUTO,
HARTMAN, HRUTKAY, AND R. THOMPSON)

[Passed March 11, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the state minimum and training wage; linking the state minimum and training wage to the federal minimum and training wage; making all departments and agencies of the State of West Virginia subject to the minimum wage established in this section regardless of federal law; and providing the minimum wage will not fall below the federal 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 & MAXIMUM HOURS STANDARDS.

§21-5C-2. Minimum wages.

1 (a) *Minimum wage:*

2 (1) After the thirtieth day of June, two thousand six, every
3 employer shall pay to each of his or her employees wages at a
4 rate not less than five dollars and eighty-five cents per hour.

5 (2) After the thirtieth day of June, two thousand seven,
6 every employer shall pay to each of his or her employees wages
7 at a rate not less than six dollars and fifty-five cents per hour.

8 (3) After the thirtieth day of June, two thousand eight, every
9 employer shall pay to each of his or her employees wages at a
10 rate not less than seven dollars and twenty-five cents per hour.

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

27 (b) *Training wage:*

28 (1) Notwithstanding the provisions set forth in subsection
29 (a) of this section to the contrary, an employer may pay an

30 employee first hired after the thirtieth day of June, two thou-
31 sand six, a subminimum training wage not less than five dollars
32 and fifteen cents per hour.

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

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

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

44 (3) At such time as the federal subminimum training wage
45 as prescribed by 29 U.S.C. § 206(g)(1) is equal to or greater
46 than the wage rate prescribed in subdivision (1) of this subsec-
47 tion, every employer shall pay to each of his or her employees
48 wages at a rate of not less than the federal minimum hourly
49 wage as prescribed by 29 U.S.C. § 206(g)(1). The minimum
50 wage rates required under this subparagraph shall be thereafter
51 adjusted in accordance with adjustments made in the federal
52 minimum hourly rate. The adoption of the federal minimum
53 wage provided by this subdivision includes only the federal
54 minimum hourly rate prescribed in 29 U.S.C. § 206(g)(1) and
55 does not include other wage rates, or conditions, exclusions, or
56 exceptions to the federal minimum hourly wage rate. In
57 addition, adoption of the federal minimum hourly wage rate
58 does not extend or modify the scope or coverage of the mini-
59 mum wage rate required under this subdivision.

60 (c) Notwithstanding any provision or definition to the
61 contrary, the wages established pursuant to this section shall be

62 applicable to all individuals employed by the State of West
63 Virginia, its agencies, and departments, regardless if such
64 employee or employer are subject to any federal act relating to
65 minimum wage: *Provided*, that at no time shall the minimum
66 wage established pursuant to this section fall below the federal
67 minimum hourly wage as prescribed by 29 U. S. C. §206(a)(1).

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

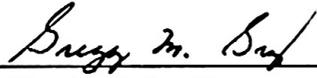

Chairman Senate Committee

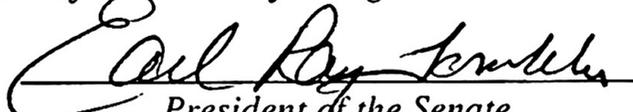

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

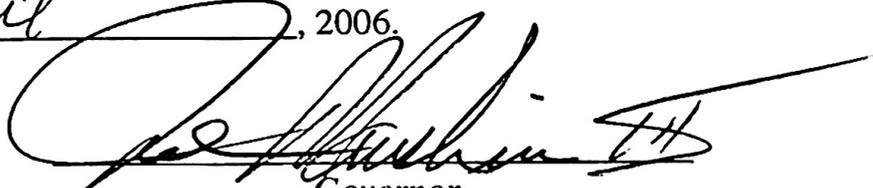

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within as approved this the 4th
day of April, 2006.


Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2006

Time 4:05p