

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3041

FISCAL
NOTE

BY DELEGATE ROWE

[Introduced March 10, 2021; Referred to the
Committee on Workforce Development then Finance]

1 A BILL to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the minimum wage in West Virginia to the rate of \$15 per hour, phased in
3 over a six year period.

Be it enacted by the Legislature of West Virginia:

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

§21-5C-2. Minimum wages.

- 1 (a) *Minimum wage:*
2 (1) After June 30, 2006, every employer shall pay to each of his or her employees wages
3 at a rate not less than \$5.85 per hour.
4 (2) After June 30, 2007, every employer shall pay to each of his or her employees wages
5 at a rate not less than \$6.55 per hour.
6 (3) After June 30, 2008, every employer shall pay to each of his or her employees wages
7 at a rate not less than \$7.25 per hour.
8 (4) After December 31, 2014, every employer shall pay to each of his or her employees
9 wages at a rate not less than \$8.00 per hour.
10 (5) After December 31, 2015, every employer shall pay to each of his or her employees
11 wages at a rate not less than \$8.75 per hour.
12 (6) Effective September 30th, 2022, the existing state Minimum Wage shall increase to
13 \$10.00 per hour, and then increase each September 30th thereafter by \$1.00 per hour, until the
14 Minimum Wage reaches \$15.00 per hour on September 30th, 2027. *Provided,* That for any year
15 that the total of the prior twelve months the Consumer Price Index as published by the United
16 States Department of Labor for all consumers has decreased, the wage increase for that year
17 shall be deferred until the next subsequent year when the index has increased. When an increase
18 in the minimum wage has been deferred for a year, any subsequent year increase when an

19 increase in the Consumer Price Index shall be delayed for the period equal to the period of
20 deferment. Any employer with fewer than six employees or a full time equivalent of fewer than six
21 employees, calculated on wages paid for 40 hours per week for 52 weeks per year during the
22 twelve month period of the employer's most recent tax year, shall not be required to pay a wage
23 rate greater than \$11.00 per hour worked during that tax year.

24 (6) (7) When the federal minimum hourly wage as prescribed by 29 U.S.C. §206 (a) (1) is
25 equal to or greater than the wage rate prescribed in the applicable provision of this subsection,
26 every employer shall pay to each of his or her employees wages at a rate of not less than the
27 federal minimum hourly wage as prescribed by 29 U.S.C. §206 (a) (1). The minimum wage rates
28 required under this subsection shall be thereafter adjusted in accordance with adjustments made
29 in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this
30 subsection includes only the federal minimum hourly rate prescribed in 29 U.S.C. §206 (a) (1)
31 and does not include other wage rates, or conditions, exclusions, or exceptions to the federal
32 minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does
33 not extend or modify the scope or coverage of the minimum wage rate required under this
34 subsection.

35 (b) *Training wage:*

36 (1) Notwithstanding the provisions set forth in subsection (a) of this section to the contrary,
37 an employer may pay an employee first hired after June 30, 2006, a subminimum training wage
38 not less than \$5.15 per hour: *Provided,* That an employer may pay an employee first hired after
39 December 31, 2014, a subminimum training wage not less than \$6.40 per hour.

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

42 (A) Who has attained or attains while an employee of the employer, the age of ~~twenty~~ 20
43 years; or

44 (B) For a cumulative period of not more than ~~ninety~~ 90 days per employee: *Provided*, That
45 if any business has not been in operation for more than ~~ninety~~ 90 days at the time the employer
46 hired the employee, the employer may pay the employee the subminimum training wage set forth
47 in subdivision (1) of this subsection for an additional period not to exceed ~~ninety~~ 90 days.

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

59 (c) Notwithstanding any provision or definition to the contrary, the wages established
60 pursuant to this section are applicable to all individuals employed by the State of West Virginia,
61 its agencies and departments, regardless if the employee or employer are subject to any federal
62 act relating to minimum wage: *Provided*, That at no time may the minimum wage established
63 pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U.S.C.
64 §206(a)(1), and at no time may the subminimum training wage established pursuant to this section
65 fall below the federal subminimum training wage rate as prescribed by 29 U.S.C. §206 (g) (1).

NOTE: The purpose of this bill is to increase the minimum wage requirements in West Virginia to \$15 per hour over a six year period.

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