

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 3056

BY DELEGATE ROWE

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

1 A BILL to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating
 2 to incrementally increasing the state minimum wage over a five-year period to \$15 per
 3 hour in 2025.

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) After December 31, 2022, every employer shall pay to each of his or her employees
 13 wages at a rate not less than \$10.00 per hour.

14 (7) After December 31, 2023, every employer shall pay to each of his or her employees
 15 wages at a rate not less than \$11 per hour.

16 (8) After December 31, 2024, every employer shall pay to each of his or her employees
 17 wages at a rate not less than \$12 per hour.

18 (9) After December 31, 2025, every employer shall pay to each of his or her employees

19 wages at a rate not less than \$13 per hour.

20 (10) After December 31, 2026, every employer shall pay to each of his or her employees
21 wages at a rate not less than \$14 per hour.

22 (11) After December 31, 2027, every employer shall pay to each of his or her employees
23 wages at a rate not less than \$15 per hour.

24 ~~(6)~~ (12) When the federal minimum hourly wage as prescribed by 29 U.S.C. §206 (a) (1)
25 is 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~~ December 31, 2022, a
38 subminimum training wage not less than ~~\$5.45~~ \$9.00 per hour: *Provided*, That an employer may
39 pay an employee first hired after December 31, ~~2014~~ 2023, a subminimum training wage not less
40 than ~~\$6.40~~ \$10.50 per hour.

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

43 (A) Who has attained or attains while an employee of the employer, the age of ~~20~~ 22 years;

44 or

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

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

60 (c) Notwithstanding any provision or definition to the contrary, the wages established
61 pursuant to this section are applicable to all individuals employed by the State of West Virginia,
62 its agencies and departments, regardless if the employee or employer are subject to any federal
63 act relating to minimum wage: *Provided*, That at no time may the minimum wage established
64 pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U.S.C.
65 §206(a)(1), and at no time may the subminimum training wage established pursuant to this section
66 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 incrementally increase the minimum wage in West Virginia every year to \$15 an hour by 2027. The training rate would also increase and apply to workers younger than 22 years of age.

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