WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2481

By Delegate Rowe

[Introduced January 11, 2023; 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 hour

3   in 2028.

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 at

3 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 at

5 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 at

7 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, 2023, 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, 2024, 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, 2025, 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, 2026, 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, 2027, 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, 2028, 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) 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) and

31   does not include other wage rates, or conditions, exclusions, or exceptions to the federal minimum

32   hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or

33   modify the scope or coverage of the minimum wage rate required under this subsection.

34   (b) *Training wage*:

35   (1) Notwithstanding the provisions set forth in subsection (a) of this section to the contrary,

36   an employer may pay an employee first hired after June 30, 2006 December 31, 2023, a

37   subminimum training wage not less than $5.15 $9.00 per hour: *Provided,* That an employer may

38   pay an employee first hired after December 31, 2014 2023, a subminimum training wage not less

39   than $6.40 $10.50 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 22

43   years; or

44   (B) For a cumulative period of not more than 90 days per employee: *Provided,* That if any

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45   business has not been in operation for more than 90 days at the time the employer hired the

46   employee, the employer may pay the employee the subminimum training wage set forth in

47   subdivision (1) of this subsection for an additional period not to exceed 90 days.

48   (3) When the federal subminimum training wage as prescribed by 29 U.S.C. § 206 (g) (1) is

49   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, its

61   agencies and departments, regardless if the employee or employer are subject to any federal act

62   relating to minimum wage: *Provided,* That at no time may the minimum wage established pursuant

63   to this section fall below the federal minimum hourly wage as prescribed by 29 U.S.C. § 206(a)(1),

64   and at no time may the subminimum training wage established pursuant to this section fall below

65   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 2028. 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.