

H. B. 2953

(By Delegates Skinner, Barrett, Lawrence,
Marshall, Reynolds, Poore, Miley, Morgan,
Fleischauer, Lynch and Young)

[Introduced March 18, 2013; referred to the
Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §21-5C-2 of the Code of West Virginia,
1931, as amended, relating to raising the 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 AND MAXIMUM HOURS STANDARDS FOR
EMPLOYEES.**

§21-5C-2. Minimum wages.

(a) *Minimum wage:*

~~(1) After June 30, 2006, every employer shall pay to each of
his or her employees wages at a rate not less than \$5.85 per hour.~~

~~(2) After June 30, 2007, every employer shall pay to each of
his or her employees wages at a rate not less than \$6.55 per hour.~~

~~(3)~~ (1) After June 30, 2008, every employer shall pay to each
of his or her employees wages at a rate not less than \$7.25 per

1 hour.

2 (2) After June 30, 2013, every employer shall pay to each of
3 his or her employees wages at a rate not less than \$8.50 per hour.

4 ~~(4) At such time as~~ (3) When the federal minimum hourly wage
5 as prescribed by 29 U.S.C. §206(a)(1) is equal to or greater than
6 the wage rate prescribed in subdivision ~~(3)~~ (2) of this subsection,
7 every employer shall pay to each of his or her employees wages at
8 a rate of not less than the federal minimum hourly wage as
9 prescribed by 29 U.S.C. §206(a)(1). The minimum wage rates
10 required under this subparagraph shall be thereafter adjusted in
11 accordance with adjustments made in the federal minimum hourly
12 rate. The adoption of the federal minimum wage provided by this
13 subdivision includes only the federal minimum hourly rate
14 prescribed in 29 U.S.C. §206(a)(1) and does not include other wage
15 rates, or conditions, exclusions, or exceptions to the federal
16 minimum hourly wage rate. In addition, adoption of the federal
17 minimum hourly wage rate does not extend or modify the scope or
18 coverage of the minimum wage rate required under this subdivision.

19 (b) *Training wage:*

20 (1) Notwithstanding the provisions set forth in subsection (a)
21 of this section to the contrary, an employer may pay an employee
22 first hired after June 30, 2006, a subminimum training wage not
23 less than \$5.15 per hour.

24 (2) An employer may not pay the subminimum training wage set

1 forth in subdivision (1) of this subsection to any individual:

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

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

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

1 (c) Notwithstanding any provision or definition to the
2 contrary, the wages established pursuant to this section ~~shall be~~
3 are applicable to all individuals employed by the State of West
4 Virginia, its agencies and departments, regardless if ~~such~~ the
5 employee or employer ~~are~~ is subject to any federal act relating to
6 minimum wage: *Provided*, That at no time ~~shall~~ may the minimum wage
7 established pursuant to this section fall below the federal minimum
8 hourly wage as prescribed by 29 U.S.C. §206(a) (1).

NOTE: The purpose of this bill is to raise the West Virginia minimum wage to \$8.50 an hour.

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