

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2871**

BY DELEGATES LAVENDER-BOWE, ANGELUCCI, WALKER,  
ZUKOFF, CAPUTO, C. THOMPSON, ESTEP-BURTON,  
ROWE, FLEISCHAUER, S. BROWN AND HORNBUCKLE

[Introduced February 6, 2019; Referred  
to the Committee on Small Business,  
Entrepreneurship and Economic Development then  
Industry and Labor 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 state minimum wage.

*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, 2019, every employer shall pay to each of his or her employees  
13 wages at a rate not less than \$9.50 per hour.

14 (7) After December 31, 2020, every employer shall pay to each of his or her employees  
15 wages at a rate not less than \$10.25 per hour.

16 (8) After December 31, 2021, every employer shall pay to each of his or her employees  
17 wages at a rate not less than \$11.00 per hour.

18 (9) After December 31, 2022, every employer shall pay to each of his or her employees  
19 wages at a rate not less than \$12.00 per hour.

20           ~~(6)~~ (10) When the federal minimum hourly wage as prescribed by 29 U.S.C. §206 (a) (1)  
21 is equal to or greater than the wage rate prescribed in the applicable provision of this subsection,  
22 every employer shall pay to each of his or her employees wages at a rate of not less than the  
23 federal minimum hourly wage as prescribed by 29 U.S.C. §206 (a) (1). The minimum wage rates  
24 required under this subsection shall be thereafter adjusted in accordance with adjustments made  
25 in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this  
26 subsection includes only the federal minimum hourly rate prescribed in 29 U.S.C. §206 (a) (1)  
27 and does not include other wage rates, or conditions, exclusions, or exceptions to the federal  
28 minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does  
29 not extend or modify the scope or coverage of the minimum wage rate required under this  
30 subsection.

31           (b) *Training wage*:--

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

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

38           (A) Who has attained or attains while an employee of the employer, the age of twenty  
39 years; or

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

44           (3) When the federal subminimum training wage as prescribed by 29 U.S.C. §206 (g) (1)  
45 is equal to or greater than the wage rate prescribed in subdivision (1) of this subsection, every

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

55 (c) Notwithstanding any provision or definition to the contrary, the wages established  
56 pursuant to this section are applicable to all individuals employed by the State of West Virginia,  
57 its agencies and departments, regardless if the employee or employer are subject to any federal  
58 act relating to minimum wage: *Provided*, That at no time may the minimum wage established  
59 pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U.S.C.  
60 §206(a)(1), and at no time may the subminimum training wage established pursuant to this section  
61 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 in West Virginia every year to \$12.00 an hour by 2022.

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