

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2840

**FISCAL
NOTE**

BY DELEGATES THOMPSON WALKER, YOUNG AND DOYLE

[Introduced March 02, 2021; Referred to the
Committee on Small Business, Entrepreneurship and
Economic Development then 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 minimum wages to be paid to employees in West Virginia; providing a schedule of
3 gradual increases in the minimum hourly wage; and increasing the allowable subminimum
4 training wage for new employees based upon the employee's date of hire.

Be it enacted by the Legislature of West Virginia:

§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 June 30, 2021, every employer shall pay to each of his or her employees wages
13 at a rate not less than \$9.75 per hour.

14 (7) After December 31, 2021, every employer shall pay to each of his or her employees
15 wages at a rate not less than \$10.75 per hour.

16 (8) After December 31, 2023, every employer shall pay to each of his or her employees
17 wages at a rate not less than \$13.25 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 \$15.00 per hour.

20 (10) When the federal minimum hourly wage as prescribed by 29 U.S.C. §206(a)(1) is

21 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) and
27 does not include other wage rates, or conditions, exclusions, or exceptions to the federal minimum
28 hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend
29 or modify the scope or coverage of the minimum wage rate required under this subsection.

30 (b) *Training wage:*

31 (1) Notwithstanding the provisions set forth in subsection (a) of this section to the contrary,
32 an employer may pay an employee first hired after ~~June 30, 2006~~ December 31, 2014, a
33 subminimum training wage not less than ~~\$5.15~~ \$6.40 per hour: *Provided*, That an employer may
34 pay an employee first hired after ~~December 31, 2014~~ June 30, 2021, a subminimum training wage
35 not less than ~~\$6.40~~ \$8.75 per hour and an employer may pay an employee first hired after
36 December 31, 2022, a subminimum training wage of not less than \$10.40 per hour.

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

39 (A) Who has attained or attains while an employee of the employer, the age of 20 years;
40 or

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

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

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

56 (c) Notwithstanding any provision or definition to the contrary, the wages established
57 pursuant to this section are applicable to all individuals employed by the State of West Virginia,
58 its agencies and departments, regardless if the employee or employer are subject to any federal
59 act relating to minimum wage: *Provided*, That at no time may the minimum wage established
60 pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U.S.C.
61 §206(a)(1), and at no time may the subminimum training wage established pursuant to this section
62 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 raise the minimum hourly wage to be paid to employees and trainees. The increase in the minimum hourly wage is to be phased in through a schedule of stages up to the year 2026.

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