

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **House Bill 4507**

BY DELEGATES ZUKOFF, YOUNG, AND FLUHARTY

[Introduced February 02, 2022; Referred to the  
Committee on Workforce Development then the  
Judiciary]

1 A BILL to amend and reenact §21-5C-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to increasing the minimum wage paid to persons who receive tips.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5C. MINIMUM WAGE AND MAXIMUM HOURS STANDARDS FOR  
 EMPLOYEES.**

**§21-5C-4. Credits.**

1 Prior to January 1, 2015, in determining whether an employer is paying an employee  
 2 wages and overtime compensation as provided in §21-5C-2 and §21-5C-3 of this code, there shall  
 3 be provided in accordance with the regulations which shall be promulgated by the commissioner  
 4 a credit to the employer of 20 percent of the hourly rate of the amount paid an employee  
 5 customarily receiving gratuities, and a reasonable credit for board and lodging furnished to an  
 6 employee: *Provided*, That after December 31, 2014, in determining whether an employer is paying  
 7 an employee wages and overtime compensation as provided in §21-5C-2 and §21-5C-3 of this  
 8 code, there shall be provided in accordance with the legislative rules proposed for promulgation  
 9 by the commissioner a credit to the employer of ~~seventy~~ 50 percent of the hourly rate of the  
 10 amount paid an employee customarily receiving gratuities, and a reasonable credit for board and  
 11 lodging furnished to an employee. The commissioner shall propose legislative rules for  
 12 promulgation relating to maximum allowances to employers for room and board furnished to  
 13 employees: *Provided, however*, That the employer shall be required to furnish to the  
 14 commissioner upon request, documentary evidence that the employee is receiving at least  
 15 ~~seventy~~ 50 percent of the minimum wage in gratuities or is receiving room and lodging in  
 16 accordance with the rules and regulations promulgated by the commissioner.

NOTE: The purpose of this bill is to increase the minimum wage requirements for employees that customary receive tips. Currently the 70% credit results in the minimum wage for persons receiving tips being \$2.62. The increase to 50% bill would increase tip earners minimum wage to \$4.38.

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