

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4256

FISCAL
NOTE

By Delegate Rowe

[Introduced January 10, 2024; Referred to
the Committee on Workforce Development then
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, 2024, 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, 2025, 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, 2026, 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, 2027, 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, 2028, 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, 2029, 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, 2024, 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~~ 2024, 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

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.