



WEST VIRGINIA

WORKFORCE West Virginia

Notice To Employees Unemployment Benefits

TOTAL UNEMPLOYMENT
You are considered totally unemployed only when you are totally separated from your employment, performing no services for which wages or other remuneration were paid to you.

PARTIAL UNEMPLOYMENT
You will be considered partially unemployed if you are working less than full-time, but due to business being slow, a breakdown of equipment, or seasonal reasons, your employer causes you to reduce your hours during the week. You may be entitled to partial unemployment benefits during the week if you earned less than what you normally would have earned. You must complete the claimant packet and file a Low Earnings Report for the week showing your gross wages. You must complete the claimant packet of the Low Earnings Report and file it with the total unemployment claim as directed on the form.

ELIGIBILITY REQUIREMENTS
To be monetarily eligible to receive unemployment benefits you must have earned \$200 gross wages in covered employment during two consecutive quarters of your regular base period that end on the last day of the completed calendar quarter or alternate base period immediately preceding that quarter of the last year of the individual's benefit year.

ELIGIBILITY REQUIREMENTS - OTHER
If you are unemployed, you may be eligible to receive benefits only if:
• You have made a claim for benefits at a local unemployment office.
• You have registered for work with the Job Service Office and continue to report and seek work.
• You are able to work and available for full-time work for which you are fitted by your training or experience.
• You are actively seeking full-time work by complying fully for work search activities each week.

DISQUALIFICATIONS
You will be disqualified from receiving benefits if:
• You have failed and are avoiding a weekly work search or activity.
• You have earned gross wages of less than your weekly benefit amount for the week in which you claim benefits.
• You are employed on a new claim when you had a previous benefit year (based on earned eight times your total benefit amount as covered employment after the year of your previous claim).
• You must accept suitable and meaningful unemployment services when selected.

CLAIMS OFFICES
This table lists the unemployment claims offices and is updated Monday through Friday each week.

BOCA DON	HARRINGTON	MARTINSBURG	POINT PLAIN
CHARLESTON	GREENSBORO	MERCERSVILLE	ROCKWELL
CLARKSBURG	FARMINGTON	MORGANTOWN	SEWTON
ELKINS	LOGAN	PARKERSBURG	WELCH

ENROLLED H.B. 4140

(By Delegate S. Cook)
(Passed March 11, 1994; in effect ninety days from passage)

All Act to amend those, chapter twenty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-a, relating to the safety and welfare of employees; and establishing a guaranteed meal break for all employees.

ARTICLE 3. SAFETY AND WELFARE OF EMPLOYEES
§ 21-2-10 Meal Breaks.
During the course of a workday of six or more hours, all employers shall make available at least twenty minutes for meal breaks, at times reasonably designated by the employer. This provision shall be required in all situations where employees are not otherwise necessary breaks and permitted to eat while working.

TITLE 42. SERIES 6: MINIMUM WAGE AND MAXIMUM HOUR STANDARDS
§ 42-8-9 Rest Periods.
Rest Periods of short duration, running from (5) to (20) minutes, must be counted as hours worked.

TITLE 42. SERIES 5: WAGE PAYMENT AND COLLECTION ACT
§ 42-2-2 Definitions 2.6
Break Periods and Rest Periods means when authorized by an employer, break periods and rest periods which do not exceed (20) minutes duration must be counted as hours worked.

TITLE 6: CHILD LABOR LAW
§ 21-2-7. Hours and days of labor by minors.
No child under the age of sixteen years shall be employed or permitted to work for more than four hours continuously without an interval of at least thirty minutes for a lunch period, and no period of less than thirty minutes shall, for the purposes of this section, be deemed to constitute a continuous period of work.

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East
State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 labor.wv.gov Fax: (304)558-3797

WEST VIRGINIA WAGE PAYMENT AND COLLECTION ACT

This abstract must be placed in an area accessible to all employees in accordance with the requirements of W. Va. Code §21-5-9.

§21-5 REQUIRES THE EMPLOYER TO:
Pay employee wages at least twice a month, with no more than 19 days between payments.

Compensate employees for services rendered by check, check, direct deposit, or money order, and make arrangements with a bank convenient to the place of employment for employees to have immediate access to their wages.

When an employee is discharged, quits, resigns, is laid off, or is on strike, pay the employee on or before the next regularly scheduled payday for all work he or she performed prior to his or her separation from employment.

On separation from employment, pay an employee the fringe benefits due and payable according to the time, terms, and conditions of an employer-employee agreement, whether verbal or written, if any.

Notify employees in writing at the time of hire, or by a posted notice that is accessible to all employees, identifying the employer's established work week, pay periods, regularly scheduled pay days, and employment practices and policies regarding vacation, sick leave and other fringe benefits, if any.

Provide employees with at least 1 full week's prior written notice before making any changes to an employee's rate of pay, fringe benefits, the time and place for changing payroll, or any other existing terms or conditions of employment.

Furnish each employee with a written itemized statement of deductions withheld from his or her wages each pay period.

§21-5 PREVENTS THE EMPLOYER FROM:
Selling goods or supplies to employees at prices higher than the current market value.

Deducting more than 25% of an employee's net earnings under a wage assignment (excluding amounts required by law to be withheld or paid for union or club dues, pension plans, profit savings plans, credit unions, charities, and hospitalization and medical insurance).

Accepting a wage assignment that does not contain the employee's notarized signature, specify the total amount due and the amount to be deducted, and state that 75% of the employee's net wages are exempt from garnishment.

Refusing to pay wages owed, up to \$300.00, to the relatives of a deceased employee.

NOTICE

THE WEST VIRGINIA HUMAN RIGHTS ACT
Prohibits Discrimination in Employment and Places of Public Accommodations Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Age (40 or above), Blindness, or Disability.

THE WEST VIRGINIA FAIR HOUSING ACT
Prohibits Discrimination in Housing Based On: Race, Religion, Color, National Origin, Ancestry, Sex, Blindness, Disability, or Familial Status.

THE WEST VIRGINIA PREGNANT WORKERS' FAIRNESS ACT
Prohibits Discrimination in Employment Based On: Pregnancy, Childbirth or Related Medical Conditions.

For Further Information or to File a Complaint, Visit, Call or Write to the WV Human Rights Commission:
WV Human Rights Commission
Room 108 A
1321 Plaza East
Charleston, WV 25301-1400
Tel: 304-558-2516
Fax: 304-558-0985
Website: www.hrc.wv.gov

WEST VIRGINIA

SP-WV-2019

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East
State Capitol Complex - Building 3, Room 200 - Charleston, WV 25305
Telephone: (304)558-7890 labor.wv.gov Fax: (304)558-3797

MINIMUM WAGE REQUIREMENTS

An employer employing 6 or more employees in any one separate, distinct and permanent location during any calendar week, including the State of West Virginia, and its agencies and departments, must comply with the state minimum wage law, §21-5-C.

Required Minimum Wage Rate
Beginning January 1, 2016, employers must pay employees at least \$8.75 per hour.

Required Minimum Training Wage Rate
An employer may pay an employee under the age of 20 years, first hired on or after January 1, 2015, a training wage that is at least \$6.40 per hour for the first 90 days of employment.

Beginning with the 91st day of employment, an employer must pay the employee the required minimum wage rate.

Permissible Minimum Wage Credit for Tipped Employees
Beginning January 1, 2016, employers may take up to a 70% credit, or \$6.13 per hour, against the required minimum wage rate for employees who customarily receive tips, resulting in a reduced hourly wage rate of at least \$2.62 per hour.

To qualify for the credit, employers must ensure that the employees' tips and the reduced hourly wage rate equal at least the required minimum wage rate and must keep accurate records of employees' tips.

Unemployment Compensation Benefit Rate Table

Weekly Benefit Rate	Weekly Benefit Rate	Weekly Benefit Rate	Weekly Benefit Rate	Weekly Benefit Rate	Weekly Benefit Rate	
1	2,200.00 - 2,400.00	24.00	62.00	136	22,750.00 - 22,900.00	238.00
2	2,400.00 - 2,600.00	26.00	68.00	137	22,900.00 - 23,050.00	240.00
3	2,600.00 - 2,800.00	28.00	74.00	138	23,050.00 - 23,200.00	242.00
4	2,800.00 - 3,000.00	30.00	80.00	139	23,200.00 - 23,350.00	244.00
5	3,000.00 - 3,200.00	32.00	86.00	140	23,350.00 - 23,500.00	246.00
6	3,200.00 - 3,400.00	34.00	92.00	141	23,500.00 - 23,650.00	248.00
7	3,400.00 - 3,600.00	36.00	98.00	142	23,650.00 - 23,800.00	250.00
8	3,600.00 - 3,800.00	38.00	104.00	143	23,800.00 - 23,950.00	252.00
9	3,800.00 - 4,000.00	40.00	110.00	144	23,950.00 - 24,100.00	254.00
10	4,000.00 - 4,200.00	42.00	116.00	145	24,100.00 - 24,250.00	256.00
11	4,200.00 - 4,400.00	44.00	122.00	146	24,250.00 - 24,400.00	258.00
12	4,400.00 - 4,600.00	46.00	128.00	147	24,400.00 - 24,550.00	260.00
13	4,600.00 - 4,800.00	48.00	134.00	148	24,550.00 - 24,700.00	262.00
14	4,800.00 - 5,000.00	50.00	140.00	149	24,700.00 - 24,850.00	264.00
15	5,000.00 - 5,200.00	52.00	146.00	150	24,850.00 - 25,000.00	266.00
16	5,200.00 - 5,400.00	54.00	152.00	151	25,000.00 - 25,150.00	268.00
17	5,400.00 - 5,600.00	56.00	158.00	152	25,150.00 - 25,300.00	270.00
18	5,600.00 - 5,800.00	58.00	164.00	153	25,300.00 - 25,450.00	272.00
19	5,800.00 - 6,000.00	60.00	170.00	154	25,450.00 - 25,600.00	274.00
20	6,000.00 - 6,200.00	62.00	176.00	155	25,600.00 - 25,750.00	276.00
21	6,200.00 - 6,400.00	64.00	182.00	156	25,750.00 - 25,900.00	278.00
22	6,400.00 - 6,600.00	66.00	188.00	157	25,900.00 - 26,050.00	280.00
23	6,600.00 - 6,800.00	68.00	194.00	158	26,050.00 - 26,200.00	282.00
24	6,800.00 - 7,000.00	70.00	200.00	159	26,200.00 - 26,350.00	284.00
25	7,000.00 - 7,200.00	72.00	206.00	160	26,350.00 - 26,500.00	286.00
26	7,200.00 - 7,400.00	74.00	212.00	161	26,500.00 - 26,650.00	288.00
27	7,400.00 - 7,600.00	76.00	218.00	162	26,650.00 - 26,800.00	290.00
28	7,600.00 - 7,800.00	78.00	224.00	163	26,800.00 - 26,950.00	292.00
29	7,800.00 - 8,000.00	80.00	230.00	164	26,950.00 - 27,100.00	294.00
30	8,000.00 - 8,200.00	82.00	236.00	165	27,100.00 - 27,250.00	296.00
31	8,200.00 - 8,400.00	84.00	242.00	166	27,250.00 - 27,400.00	298.00
32	8,400.00 - 8,600.00	86.00	248.00	167	27,400.00 - 27,550.00	300.00
33	8,600.00 - 8,800.00	88.00	254.00	168	27,550.00 - 27,700.00	302.00
34	8,800.00 - 9,000.00	90.00	260.00	169	27,700.00 - 27,850.00	304.00
35	9,000.00 - 9,200.00	92.00	266.00	170	27,850.00 - 28,000.00	306.00
36	9,200.00 - 9,400.00	94.00	272.00	171	28,000.00 - 28,150.00	308.00
37	9,400.00 - 9,600.00	96.00	278.00	172	28,150.00 - 28,300.00	310.00
38	9,600.00 - 9,800.00	98.00	284.00	173	28,300.00 - 28,450.00	312.00
39	9,800.00 - 10,000.00	100.00	290.00	174	28,450.00 - 28,600.00	314.00
40	10,000.00 - 10,200.00	102.00	296.00	175	28,600.00 - 28,750.00	316.00
41	10,200.00 - 10,400.00	104.00	302.00	176	28,750.00 - 28,900.00	318.00
42	10,400.00 - 10,600.00	106.00	308.00	177	28,900.00 - 29,050.00	320.00
43	10,600.00 - 10,800.00	108.00	314.00	178	29,050.00 - 29,200.00	322.00
44	10,800.00 - 11,000.00	110.00	320.00	179	29,200.00 - 29,350.00	324.00
45	11,000.00 - 11,200.00	112.00	326.00	180	29,350.00 - 29,500.00	326.00
46	11,200.00 - 11,400.00	114.00	332.00	181	29,500.00 - 29,650.00	328.00
47	11,400.00 - 11,600.00	116.00	338.00	182	29,650.00 - 29,800.00	330.00
48	11,600.00 - 11,800.00	118.00	344.00	183	29,800.00 - 29,950.00	332.00
49	11,800.00 - 12,000.00	120.00	350.00	184	29,950.00 - 30,100.00	334.00
50	12,000.00 - 12,200.00	122.00	356.00	185	30,100.00 - 30,250.00	336.00
51	12,200.00 - 12,400.00	124.00	362.00	186	30,250.00 - 30,400.00	338.00
52	12,400.00 - 12,600.00	126.00	368.00	187	30,400.00 - 30,550.00	340.00
53	12,600.00 - 12,800.00	128.00	374.00	188	30,550.00 - 30,700.00	342.00
54	12,800.00 - 13,000.00	130.00	380.00	189	30,700.00 - 30,850.00	344.00
55	13,000.00 - 13,200.00	132.00	386.00	190	30,850.00 - 31,000.00	346.00
56	13,200.00 - 13,400.00	134.00	392.00	191	31,000.00 - 31,150.00	348.00
57	13,400.00 - 13,600.00	136.00	398.00	192	31,150.00 - 31,300.00	350.00
58	13,600.00 - 13,800.00	138.00	404.00	193	31,300.00 - 31,450.00	352.00
59	13,800.00 - 14,000.00	140.00	410.00	194	31,450.00 - 31,600.00	354.00
60	14,000.00 - 14,200.00	142.00	416.00	195	31,600.00 - 31,750.00	356.00
61	14,200.00 - 14,400.00	144.00	422.00	196	31,750.00 - 31,900.00	358.00
62	14,400.00 - 14,600.00	146.00	428.00	197	31,900.00 - 32,050.00	360.00
63	14,600.00 - 14,800.00	148.00	434.00	198	32,050.00 - 32,200.00	362.00
64	14,800.00 - 15,000.00	150.00	440.00	199	32,200.00 - 32,350.00	364.00
65	15,000.00 - 15,200.00	152.00	446.00	200	32,350.00 - 32,500.00	366.00
66	15,200.00 - 15,400.00	154.00	452.00	201	32,500.00 - 32,650.00	368.00
67	15,400.00 - 15,600.00	156.00	458.00	202	32,650.00 - 32,800.00	370.00
68	15,600.00 - 15,800.00	158.00	464.00	203	32,800.00 - 32,950.00	372.00
69	15,800.00 - 16,000.00	160.00	470.00	204	32,950.00 - 33,100.00	374.00
70	16,000.00 - 16,200.00	162.00	476.00	205	33,100.00 - 33,250.00	376.00
71	16,200.00 - 16,400.00	164.00	482.00	206	33,250.00 - 33,400.00	378.00
72	16,400.00 - 16,600.00	166.00	488.00	207	33,400.00 - 33,550.00	380.00
73	16,600.00 - 16,800.00	168.00	494.00	208	33,550.00 - 33,700.00	382.00
74	16,800.00 - 17,000.00	170.00	500.00	209	33,700.00 - 33,850.00	384.00
75	17,000.00 - 17,200.00	172.00	506.00	210	33,850.00 - 34,000.00	386.00
76	17,200.00 - 17,400.00	174.00	512.00	211	34,000.00 - 34,150.00	388.00
77	17,400.00 - 17,600.00	176.00	518.00	212	34,150.00 - 34,300.00	390.00
78	17,600.00 - 17,800.00	178.00	524.00	213	34,300.00 - 34,450.00	392.00
79	17,800.00 - 18,000.00	180.00	530.00	214	34,450.00 - 34,600.00	394.00
80	18,000.00 - 18,200.00	182.00	536.00	215	34,600.00 - 34,750.00	396.00
81	18,200.00 - 18,400.00	184.00	542.00</			