

WEST VIRGINIA CODE: §21-5B-4

§21-5B-4. Employee's right of action against his employer.

- (1) Any employee whose compensation is at a rate that is in violation of section three of this article shall have a right of action against his employer for the recovery of (a) the amount of the unpaid wages to which the employee is entitled for the one- year period preceding the commencement of the action, and (b) an additional amount as liquidated damages equal to the amount referred to in paragraph (a) of this subsection.
- (2) In addition to any judgment awarded to the plaintiff, the court shall allow reasonable attorney's fees to be taxed as costs in any judgment recovered.
- (3) The action for the unpaid wages and liquidated damages may be maintained by one or more employees on behalf of themselves or other employees similarly situated.
- (4) No agreement for compensation at a rate of less than the rate to which such employee is entitled under this article is a defense to any action under this article.