

# WEST VIRGINIA CODE: §21A-6-10

## **§21A-6-10. Benefit rate -- Total unemployment; annual computation and publication of rates.**

(a) Each eligible individual who is totally unemployed in any week shall be paid benefits with respect to that week at the weekly rate appearing in Column (C) in the benefit table in this section, on the line on which in Column (A) there is indicated the employee's wage class, except as otherwise provided under the term "total and partial unemployment" in section twenty-seven, article one-a of this chapter. The employee's wage class shall be determined by his or her base period wages as shown in Column (B) in the benefit table. The right of an employee to receive benefits shall not be prejudiced nor the amount thereof diminished by reason of failure by an employer to pay either the wages earned by the employee or the contribution due on such wages. An individual who is totally unemployed but earns in excess of \$60 as a result of odd job or subsidiary work, or is paid a bonus in any benefit week shall be paid benefits for such week in accordance with the provisions of this chapter pertaining to benefits for partial unemployment.

(b) (1) The maximum benefit for each wage class shall be equal to twenty-six times the weekly benefit rate.

(2) The maximum benefit rate shall be sixty-six and two-thirds percent of the average weekly wage in West Virginia.

(c) On July 1 of each year, the commissioner shall determine the maximum weekly benefit rate upon the basis of the formula set forth above and shall establish wage classes as are required, increasing or decreasing the amount of the base period wages required for each wage class by \$150, establishing the weekly benefit rate for each wage class by rounded dollar amount to be fifty-five percent of one fifty-second of the median dollar amount of wages in the base period for such wage class and establishing the maximum benefit for each wage class as an amount equal to twenty-six times the weekly benefit rate: Provided, That the commissioner shall not increase or decrease the maximum weekly benefit rate for the period beginning on the effective date of the amendment and reenactment of this section in the regular session of the Legislature in 2009 until the threshold wage is reduced to \$9,000, as required by subsection (d), section twenty-eight, article one-a of this chapter. The maximum weekly benefit rate, when computed by the commissioner, in accordance with the foregoing provisions, shall be rounded to the next lowest multiple of \$1.

(d) After he or she has established such wage classes, the commissioner shall prepare and publish a table setting forth such information.

(e) Average weekly wage shall be computed by dividing the number of employees in West Virginia earning wages in covered employment into the total wages paid to employees in West Virginia in covered employment, and by further dividing said result by fifty-two, and

shall be determined from employer wage and contribution reports for the previous calendar year which are furnished to the department on or before June 1 following such calendar year. The average weekly wage, as determined by the commissioner, shall be rounded to the next higher dollar.

(f) The computation and determination of rates as aforesaid shall be completed annually before July 1 and any such new wage class, with its corresponding wages in base period, weekly benefit rate and maximum benefit in a benefit year established by the commissioner in the foregoing manner effective on July 1 shall apply only to a new claim established by a claimant on and after July 1, and does not apply to continued claims of a claimant based on his or her new claim established before said July 1.

#### BENEFIT TABLE

A WAGE CLASS	B WAGES IN BASE PERIOD	C WEEKLY BENEFIT RATE	MAXIMUM BENEFIT RATE		
	Under \$ 2,200.00	Ineligible			
1	\$ 2,200.00	-	2,359.99	24.00	624.00
2	2,350.00	-	2,499.99	25.00	650.00
3	2,500.00	-	2,649.99	27.00	702.00
4	2,650.00	-	2,799.99	28.00	728.00
5	2,800.00	-	2,949.99	30.00	780.00
6	2,950.00	-	3,099.99	31.00	806.00
7	3,100.00	-	3,249.99	33.00	858.00
8	3,250.00	-	3,399.99	35.00	910.00
9	3,400.00	-	3,549.99	36.00	936.00
10	3,550.00	-	3,699.99	38.00	988.00
11	3,700.00	-	3,849.99	39.00	1,014.00
12	3,850.00	-	3,999.99	41.00	1,066.00
13	4,000.00	-	4,149.99	43.00	1,118.00
14	4,150.00	-	4,299.99	44.00	1,144.00
15	4,300.00	-	4,449.99	46.00	1,196.00
16	4,450.00	-	4,599.99	47.00	1,222.00
17	4,600.00	-	4,749.99	49.00	1,274.00
18	4,750.00	-	4,899.99	51.00	1,326.00
19	4,900.00	-	5,049.99	52.00	1,352.00
20	5,050.00	-	5,199.99	54.00	1,404.00
21	5,200.00	-	5,349.99	55.00	1,430.00
22	5,350.00	-	5,499.99	57.00	1,482.00

23	5,500.00	-	5,649.99	58.00	1,508.00
24	5,650.00	-	5,799.99	60.00	1,560.00
25	5,800.00	-	5,949.99	62.00	1,612.00
26	5,950.00	-	6,099.99	63.00	1,638.00
27	6,100.00	-	6,249.99	65.00	1,690.00
28	6,250.00	-	6,399.99	66.00	1,716.00
29	6,400.00	-	6,549.99	68.00	1,768.00
30	6,550.00	-	6,699.99	70.00	1,820.00
31	6,700.00	-	6,849.99	71.00	1,846.00
32	6,850.00	-	6,999.99	73.00	1,898.00
33	7,000.00	-	7,149.99	74.00	1,924.00
34	7,150.00	-	7,299.99	76.00	1,976.00
35	7,300.00	-	7,449.99	78.00	2,028.00
36	7,450.00	-	7,599.99	79.00	2,054.00
37	7,600.00	-	7,749.99	81.00	2,106.00
38	7,750.00	-	7,899.99	82.00	2,132.00
39	7,900.00	-	8,049.99	84.00	2,184.00
40	8,050.00	-	8,199.99	85.00	2,210.00
41	8,200.00	-	8,349.99	87.00	2,262.00
42	8,350.00	-	8,499.99	89.00	2,314.00
43	8,500.00	-	8,649.99	90.00	2,340.00
44	8,650.00	-	8,799.99	92.00	2,392.00
45	8,800.00	-	8,949.99	93.00	2,418.00
46	8,950.00	-	9,099.99	95.00	2,470.00
47	9,100.00	-	9,249.99	97.00	2,522.00
48	9,250.00	-	9,399.99	98.00	2,548.00
49	9,400.00	-	9,549.99	100.00	2,600.00
50	9,550.00	-	9,699.99	101.00	2,626.00
51	9,700.00	-	9,849.99	103.00	2,678.00
52	9,850.00	-	9,999.99	104.00	2,704.00
53	10,000.00	-	10,149.99	106.00	2,756.00
54	10,150.00	-	10,299.99	108.00	2,808.00
55	10,300.00	-	10,449.99	109.00	2,834.00
56	10,450.00	-	10,599.99	111.00	2,886.00
57	10,600.00	-	10,749.99	112.00	2,912.00
58	10,750.00	-	10,899.99	114.00	2,964.00
59	10,900.00	-	11,049.99	116.00	3,016.00
60	11,050.00	-	11,199.99	117.00	3,042.00

61	11,200.00	-	11,349.99	119.00 3,094.00
62	11,350.00	-	11,499.99	120.00 3,120.00
63	11,500.00	-	11,649.99	122.00 3,172.00
64	11,650.00	-	11,799.99	124.00 3,224.00
65	11,800.00	-	11,949.99	125.00 3,250.00
66	11,950.00	-	12,099.99	127.00 3,302.00
67	12,100.00	-	12,249.99	128.00 3,328.00
68	12,250.00	-	12,399.99	130.00 3,380.00
69	12,400.00	-	12,549.99	131.00 3,406.00
70	12,550.00	-	12,699.99	133.00 3,458.00
71	12,700.00	-	12,849.99	135.00 3,510.00
72	12,850.00	-	12,999.99	136.00 3,536.00
73	13,000.00	-	13,149.99	138.00 3,588.00
74	13,150.00	-	13,299.99	139.00 3,614.00
75	13,300.00	-	13,449.99	141.00 3,666.00
76	13,450.00	-	13,599.99	143.00 3,718.00
77	13,600.00	-	13,749.99	144.00 3,744.00
78	13,750.00	-	13,899.99	146.00 3,796.00
79	13,900.00	-	14,049.99	147.00 3,822.00
80	14,050.00	-	14,199.99	149.00 3,874.00
81	14,200.00	-	14,349.99	150.00 3,900.00
82	14,350.00	-	14,499.99	152.00 3,952.00
83	14,500.00	-	14,649.99	154.00 4,004.00
84	14,650.00	-	14,799.99	155.00 4,030.00
85	14,800.00	-	14,949.99	157.00 4,082.00
86	14,950.00	-	15,099.99	158.00 4,108.00
87	15,100.00	-	15,249.99	160.00 4,160.00
88	15,250.00	-	15,399.99	162.00 4,212.00
89	15,400.00	-	15,549.99	163.00 4,238.00
90	15,550.00	-	15,699.99	165.00 4,290.00
91	15,700.00	-	15,849.99	166.00 4,316.00
92	15,850.00	-	15,999.99	168.00 4,368.00
93	16,000.00	-	16,149.99	170.00 4,420.00
94	16,150.00	-	16,299.99	171.00 4,446.00
95	16,300.00	-	16,449.99	173.00 4,498.00
96	16,450.00	-	16,599.99	174.00 4,524.00
97	16,600.00	-	16,749.99	176.00 4,576.00
98	16,750.00	-	16,899.99	177.00 4,602.00

99	16,900.00	-	17,049.99	179.00 4,654.00
100	17,050.00	-	17,199.99	181.00 4,706.00
101	17,200.00	-	17,349.99	182.00 4,732.00
102	17,350.00	-	17,499.99	184.00 4,784.00
103	17,500.00	-	17,649.99	185.00 4,810.00
104	17,650.00	-	17,799.99	187.00 4,862.00
105	17,800.00	-	17,949.99	189.00 4,914.00
106	17,950.00	-	18,099.99	190.00 4,940.00
107	18,100.00	-	18,249.99	192.00 4,992.00
108	18,250.00	-	18,399.99	193.00 5,018.00
109	18,400.00	-	18,549.99	195.00 5,070.00
110	18,550.00	-	18,699.99	196.00 5,096.00
111	18,700.00	-	18,849.99	198.00 5,148.00
112	18,850.00	-	18,999.99	200.00 5,200.00
113	19,000.00	-	19,149.99	201.00 5,226.00
114	19,150.00	-	19,299.99	203.00 5,278.00
115	19,300.00	-	19,449.99	204.00 5,304.00
116	19,450.00	-	19,599.99	206.00 5,356.00
117	19,600.00	-	19,749.99	208.00 5,408.00
118	19,750.00	-	19,899.99	209.00 5,434.00
119	19,900.00	-	20,049.99	211.00 5,486.00
120	20,050.00	-	20,199.99	212.00 5,512.00
121	20,200.00	-	20,349.99	214.00 5,564.00
122	20,350.00	-	20,499.99	216.00 5,616.00
123	20,500.00	-	20,649.99	217.00 5,642.00
124	20,650.00	-	20,799.99	219.00 5,694.00
125	20,800.00	-	20,949.99	220.00 5,720.00
126	20,950.00	-	21,099.99	222.00 5,772.00
127	21,100.00	-	21,249.99	223.00 5,798.00
128	21,250.00	-	21,399.99	225.00 5,850.00
129	21,400.00	-	21,549.99	227.00 5,902.00
130	21,550.00	-	21,699.99	228.00 5,928.00
131	21,700.00	-	21,849.99	230.00 5,980.00
132	21,850.00	-	21,999.99	231.00 6,006.00
133	22,000.00	-	22,149.99	233.00 6,058.00
134	22,150.00	-	22,299.99	235.00 6,110.00
135	22,300.00	-	22,449.99	236.00 6,136.00
136	22,450.00	-	22,599.99	238.00 6,188.00

137	22,600.00	-	22,749.99	239.00 6,214.00
138	22,750.00	-	22,899.99	241.00 6,266.00
139	22,900.00	-	23,049.99	243.00 6,318.00
140	23,050.00	-	23,199.99	244.00 6,344.00
141	23,200.00	-	23,349.99	246.00 6,396.00
142	23,350.00	-	23,499.99	247.00 6,422.00
143	23,500.00	-	23,649.99	249.00 6,474.00
144	23,650.00	-	23,799.99	250.00 6,500.00
145	23,800.00	-	23,949.99	252.00 6,552.00
146	23,950.00	-	24,099.99	254.00 6,604.00
147	24,100.00	-	24,249.99	255.00 6,630.00
148	24,250.00	-	24,399.99	257.00 6,682.00
149	24,400.00	-	24,549.99	258.00 6,708.00
150	24,550.00	-	24,699.99	260.00 6,760.00
151	24,700.00	-	24,849.99	262.00 6,812.00
152	24,850.00	-	24,999.99	263.00 6,838.00
153	25,000.00	-	25,149.99	265.00 6,890.00
154	25,150.00	-	25,299.99	266.00 6,916.00
155	25,300.00	-	25,449.99	268.00 6,968.00
156	25,450.00	-	25,599.99	269.00 6,994.00
157	25,600.00	-	25,749.99	271.00 7,046.00
158	25,750.00	-	25,899.99	273.00 7,098.00
159	25,900.00	-	26,049.99	274.00 7,124.00
160	26,050.00	-	26,199.99	276.00 7,176.00
161	26,200.00	-	26,349.99	277.00 7,202.00
162	26,350.00	-	26,499.99	279.00 7,254.00
163	26,500.00	-	26,649.99	281.00 7,306.00
164	26,650.00	-	26,799.99	282.00 7,332.00
165	26,800.00	-	26,949.99	284.00 7,384.00
166	26,950.00	-	27,099.99	285.00 7,410.00
167	27,100.00	-	27,249.99	287.00 7,462.00
168	27,250.00	-	27,399.99	289.00 7,514.00
169	27,400.00	-	27,549.99	290.00 7,540.00
170	27,550.00	-	27,699.99	292.00 7,592.00
171	27,700.00	-	27,849.99	293.00 7,618.00
172	27,850.00	-	27,999.99	295.00 7,670.00
173	28,000.00	-	28,149.99	296.00 7,696.00
174	28,150.00	-	28,299.99	298.00 7,748.00

175	28,300.00	-	28,449.99	300.00	7,800.00
176	28,450.00	-	28,599.99	301.00	7,826.00
177	28,600.00	-	28,749.99	303.00	7,878.00
178	28,750.00	-	28,899.99	304.00	7,904.00
179	28,900.00	-	29,049.99	306.00	7,956.00
180	29,050.00	-	29,199.99	308.00	8,008.00
181	29,200.00	-	29,349.99	309.00	8,034.00
182	29,350.00	-	29,499.99	311.00	8,086.00
183	29,500.00	-	29,649.99	312.00	8,112.00
184	29,650.00	-	29,799.99	314.00	8,164.00
185	29,800.00	-	29,949.99	315.00	8,190.00
186	29,950.00	-	30,099.99	317.00	8,242.00
187	30,100.00	-	30,249.99	319.00	8,294.00
188	30,250.00	-	30,399.99	320.00	8,320.00
189	30,400.00	-	30,549.99	322.00	8,372.00
190	30,550.00	-	30,699.99	323.00	8,398.00
191	30,700.00	-	30,849.99	325.00	8,450.00
192	30,850.00	-	30,999.99	327.00	8,502.00
193	31,000.00	-	31,149.99	328.00	8,528.00
194	31,150.00	-	31,299.99	330.00	8,580.00
195	31,300.00	-	31,449.99	331.00	8,606.00
196	31,450.00	-	31,599.99	333.00	8,658.00
197	31,600.00	-	31,749.99	335.00	8,710.00
198	31,750.00	-	31,899.99	336.00	8,736.00
199	31,900.00	-	32,049.99	338.00	8,788.00
200	32,050.00	-	32,199.99	339.00	8,814.00
201	32,200.00	-	32,349.99	341.00	8,866.00
202	32,350.00	-	32,499.99	342.00	8,892.00
203	32,500.00	-	32,649.99	344.00	8,944.00
204	32,650.00	-	32,799.99	346.00	8,996.00
205	32,800.00	-	32,949.99	347.00	9,022.00
206	32,950.00	-	33,099.99	349.00	9,074.00
207	33,100.00	-	33,249.99	350.00	9,100.00
208	33,250.00	-	33,399.99	352.00	9,152.00
209	33,400.00	-	33,549.99	354.00	9,204.00
210	33,550.00	-	33,699.99	355.00	9,230.00
211	33,700.00	-	33,849.99	357.00	9,282.00
212	33,850.00	-	33,999.99	358.00	9,308.00

213	34,000.00	-	34,149.99	360.00 9,360.00
214	34,150.00	-	34,299.99	361.00 9,386.00
215	34,300.00	-	34,449.99	363.00 9,438.00
216	34,450.00	-	34,599.99	365.00 9,490.00
217	34,600.00	-	34,749.99	366.00 9,516.00
218	34,750.00	-	34,899.99	368.00 9,568.00
219	34,900.00	-	35,049.99	369.00 9,594.00
220	35,050.00	-	35,199.99	371.00 9,646.00
221	35,200.00	-	35,349.99	373.00 9,698.00
222	35,350.00	-	35,499.99	374.00 9,724.00
223	35,500.00	-	35,649.99	376.00 9,776.00
224	35,650.00	-	35,799.99	377.00 9,802.00
225	35,800.00	-	35,949.99	379.00 9,854.00
226	35,950.00	-	36,099.99	381.00 9,906.00
227	36,100.00	-	36,249.99	382.00 9,932.00
228	36,250.00	-	36,399.99	384.00 9,984.00
229	36,400.00	-	36,549.99	385.00 10,010.00
230	36,550.00	-	36,699.99	387.00 10,062.00
231	36,700.00	-	36,849.99	388.00 10,088.00
232	36,850.00	-	36,999.99	390.00 10,140.00
233	37,000.00	-	37,149.99	392.00 10,192.00
234	37,150.00	-	37,299.99	393.00 10,218.00
235	37,300.00	-	37,449.99	395.00 10,270.00
236	37,450.00	-	37,599.99	396.00 10,296.00
237	37,600.00	-	37,749.99	398.00 10,348.00
238	37,750.00	-	37,899.99	400.00 10,400.00
239	37,900.00	-	38,049.99	401.00 10,426.00
240	38,050.00	-	38,199.99	403.00 10,478.00
241	38,200.00	-	38,349.99	404.00 10,504.00
242	38,350.00	-	38,499.99	406.00 10,556.00
243	38,500.00	-	38,649.99	408.00 10,608.00
244	38,650.00	-	38,799.99	409.00 10,634.00
245	38,800.00	-	38,949.99	411.00 10,686.00
246	38,950.00	-	39,099.99	412.00 10,712.00
247	39,100.00	-	39,249.99	414.00 10,764.00
248	39,250.00	-	39,399.99	415.00 10,790.00
249	39,400.00	-	39,549.99	417.00 10,842.00
250	39,550.00	-	39,699.99	419.00 10,894.00



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251	39,700.00	-	39,849.99	420.00	10,920.00
252	39,850.00	-	39,999.99	422.00	10,972.00
253	40,000.00	-	40,149.99	423.00	10,998.00
254	40,150.00	-	and above	424.00	11,024.00

WV Legislature