ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4023

(By Delegates Brown, Amores, Caputo, Hartman, Hrutkay, and R. Thompson)

Passed March 11, 2006

In Effect Ninety Days from Passage
AN ACT to amend and reenact §21-5C-2 of the Code of West Virginia, 1931, as amended, relating to increasing the state minimum and training wage; linking the state minimum and training wage to the federal minimum and training wage; making all departments and agencies of the State of West Virginia subject to the minimum wage established in this section regardless of federal law; and providing the minimum wage will not fall below the federal minimum wage.

Be it enacted by the Legislature of West Virginia:

That §21-5C-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5C. MINIMUM WAGE & MAXIMUM HOURS STANDARDS.

(a) Minimum wage:

(1) After the thirtieth day of June, two thousand six, every employer shall pay to each of his or her employees wages at a rate not less than five dollars and eighty-five cents per hour.

(2) After the thirtieth day of June, two thousand seven, every employer shall pay to each of his or her employees wages at a rate not less than six dollars and fifty-five cents per hour.

(3) After the thirtieth day of June, two thousand eight, every employer shall pay to each of his or her employees wages at a rate not less than seven dollars and twenty-five cents per hour.

(4) At such time as the federal minimum hourly wage as prescribed by 29 U.S.C. § 206(a)(1) is equal to or greater than the wage rate prescribed in subdivision (3) of this subsection, every employer shall pay to each of his or her employees wages at a rate of not less than the federal minimum hourly wage as prescribed by 29 U.S.C. § 206(a)(1). The minimum wage rates required under this subparagraph shall be thereafter adjusted in accordance with adjustments made in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this subdivision includes only the federal minimum hourly rate prescribed in 29 U.S.C. § 206(a)(1) and does not include other wage rates, or conditions, exclusions, or exceptions to the federal minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or modify the scope or coverage of the minimum wage rate required under this subdivision.

(b) Training wage:

(1) Notwithstanding the provisions set forth in subsection (a) of this section to the contrary, an employer may pay an
employee first hired after the thirtieth day of June, two thousand six, a subminimum training wage not less than five dollars and fifteen cents per hour.

(2) An employer may not pay the subminimum training wage set forth in subdivision (1) of this subsection to any individual:

(i) Who has attained or attains while an employee of the employer, the age of twenty years; or

(ii) For a cumulative period of not more than ninety days per employee: Provided, That if any business has not been in operation for more than ninety days at the time the employer hired the employee, the employer may pay the employee the subminimum training wage set forth in subdivision (1) of this subsection for an additional period not to exceed ninety days.

(3) At such time as the federal subminimum training wage as prescribed by 29 U.S.C. § 206(g)(1) is equal to or greater than the wage rate prescribed in subdivision (1) of this subsection, every employer shall pay to each of his or her employees wages at a rate of not less than the federal minimum hourly wage as prescribed by 29 U.S.C. § 206(g)(1). The minimum wage rates required under this subparagraph shall be thereafter adjusted in accordance with adjustments made in the federal minimum hourly rate. The adoption of the federal minimum wage provided by this subdivision includes only the federal minimum hourly rate prescribed in 29 U.S.C. § 206(g)(1) and does not include other wage rates, or conditions, exclusions, or exceptions to the federal minimum hourly wage rate. In addition, adoption of the federal minimum hourly wage rate does not extend or modify the scope or coverage of the minimum wage rate required under this subdivision.

(c) Notwithstanding any provision or definition to the contrary, the wages established pursuant to this section shall be
applicable to all individuals employed by the State of West Virginia, its agencies, and departments, regardless if such employee or employer are subject to any federal act relating to minimum wage: Provided, that at no time shall the minimum wage established pursuant to this section fall below the federal minimum hourly wage as prescribed by 29 U. S. C. §206(a)(1).
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 4th day of April, 2006.

Governor