

FED EMPLOYEE RIGHTS UNDER THE FAIR LABOR STANDARDS ACT

FEDERAL MINIMUM WAGE  
\$7.25 PER HOUR  
BEGINNING JULY 24, 2009

The law requires employers to display this poster where employees can readily see it.

**OVERTIME PAY**  
At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

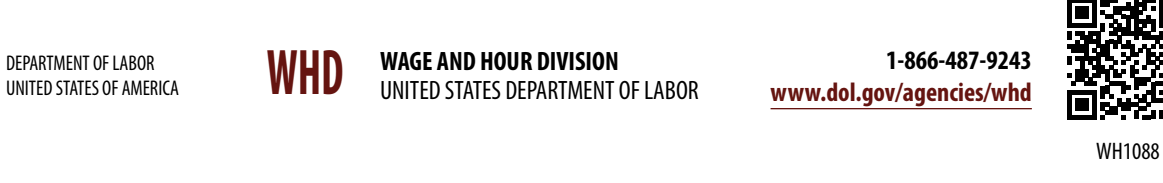
**CHILD LABOR**  
An employee must be at least 16 years old to work in most non-farm jobs and at least 18 to work in non-farm jobs declared hazardous by the Secretary of Labor. Youth 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs with certain work hour restrictions. Different rules apply in agricultural employment.

**TIP CREDIT**  
Employees of "tipped employees" who meet certain conditions may claim a partial wage credit based on tips received by their employees. Employers must pay tipped employees a cash wage of at least \$2.12 per hour if they claim a tip credit against their minimum wage obligation. If an employer's tips combined with the employer's cash wage of at least \$2.13 per hour do not equal the minimum hourly wage, the employer must make up the difference.

**PUMP AT WORK**  
The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for her nursing child for one year after the child's birth each time the employee needs to express breast milk. Employers must provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by the employee to express breast milk.

**ENFORCEMENT**  
The Department has authority to recover back wages and an equal amount in liquidated damages in instances of minimum wage, overtime, and other violations. The Department may litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each violation or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be assessed for violations of the FLSA child labor provisions. Heightened civil money penalties may be assessed for each child labor violation that results in the death or serious injury of any minor employee, and such assessments may be doubled where the violations are determined to be willful or repeated. The law also prohibits retaliating against or discharging workers who file a complaint or participate in any proceeding under the FLSA.

**ADDITIONAL INFORMATION**  
• Certain occupations and establishments are exempt from the minimum wage, and/or overtime pay provisions. Certain narrow exemptions also apply to the pump at work requirements.  
• Special provisions apply to workers in American Samoa, the Commonwealth of the Northern Mariana Islands, and the Commonwealth of Puerto Rico.  
• Some state laws provide greater employee protections; employers must comply with them.  
• Some employers incorrectly classify employees as "independent contractors" when they are actually employees under the FLSA. It is important to know the difference between the two because employees (unless exempt) are entitled to the FLSA's minimum wage and overtime pay protections and correctly classified independent contractors are not.  
• Certain full-time students, student learners, apprentices, and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Department of Labor.



WV MINIMUM WAGE REQUIREMENTS  
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

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, §21-5-3.

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 of at least \$6.40 per hour for the first 90 days of employment.
- Beginning with the 91<sup>st</sup> 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.

NOTICE: This state has its own minimum wage law. Employers are also required to display the federal Employee Rights Under the Fair Labor Standards Act poster, which indicates the federal minimum wage. Where federal and state rates both apply to an employee, the U.S. Department of Labor dictates that the employee is entitled to the higher minimum wage rate.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY.

WV WAGE PAYMENT AND COLLECTION ACT  
WEST VIRGINIA DIVISION OF LABOR

1900 KANAWHA BOULEVARD EAST • STATE CAPITOL COMPLEX • BUILDING 3, ROOM 200 • CHARLESTON, WV 25305

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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 paydays.

Compensate employees for services rendered by cash, 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 or he 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 pay period's written notice before making any changes to an employee's rate of pay, fringe benefits, the time and place for meeting 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, payroll 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 assignment.

Refusing to pay wages owed, up to \$800.00, to the relatives of a deceased employee.

WV Human Rights Commission  
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, 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 at:

WV HUMAN RIGHTS COMMISSION

Room 108 A

1321 Plaza East

CHARLESTON, WV 25301-1400

PHONE: 304-558-2616

(TOLL FREE) 888-676-5546

FAX: 304-558-0085

WEBSITE: www.hrc.wv.gov

NOTICE: This state requires an employer to display a Workers' Compensation posting furnished by the employer's insurance carrier or a state agency. Employers should contact their insurance carrier or the appropriate state agency to obtain a copy of this state's Workers' Compensation posting or notice of compliance certificate of insurance. Employers should refer to the Workers' Compensation posting or notice of compliance/certificate of insurance furnished by the state or the employer's insurance carrier for information about Workers' Compensation.

THIS NOTICE IS FOR INFORMATIONAL PURPOSES ONLY. IT DOES NOT FULFILL THIS STATE'S WORKERS' COMPENSATION POSTING REQUIREMENT.

FED EMPLOYEE RIGHTS  
EMPLOYEE POLYGRAPH PROTECTION ACT

The Employee Polygraph Protection Act prohibits most employers from using lie detector tests either for pre-employment screening or during the course of employment.

**PROHIBITIONS**  
Employers are generally prohibited from requiring or requesting any employee or job applicant to take a lie detector test, and from discharging, disciplining, or discriminating against an employee or prospective employee for refusing to take a test or for exercising other rights under the Act.

**EXEMPTIONS**  
Federal, state and local governments are not affected by the law. Also, the law does not apply to tests given by the federal government or not certified by the law. Also, the law does not apply to tests given by the federal government or not certified by the law. Also, the law does not apply to tests given by the federal government or not certified by the law.

**THE LAW REQUIRES EMPLOYERS TO DISPLAY THIS POSTER WHERE EMPLOYEES AND JOB APPLICANTS CAN READILY SEE IT.**



WV Workforce West Virginia  
Notice To Employees — Unemployment Benefits

**What is Unemployment?**  
Unemployment insurance (UI) benefits provide financial assistance to those who have lost their job or experienced a reduction in full-time work. These benefits help cover living expenses while you look for new employment. You can apply for benefits the day after your employment ends or are significantly reduced. The claim will be effective starting the Sunday of the week it is filed.

Your UI benefits are payable by both the federal and state government. You may choose to have federal taxes withheld at 1% and state taxes withheld at 3% from your weekly benefit payment. If you choose not to have taxes withheld, you will be responsible for the full taxable amount at the end of the year.

**Total Unemployment**  
You are considered totally unemployed during any week when you are fully separated from your job and not performing any work which you use to pay and/or receive compensation.

**Partial Unemployment**  
You are considered partially unemployed if you were working full-time but had your hours reduced due to business slowdowns, equipment breakdowns, or seasonal reasons. You may be eligible for partial unemployment benefits if your earnings for the week are less than your weekly unemployment benefit amount plus \$60.

If you are employed part-time in the Short-Term Employment (STE) program, you may be eligible to receive a prorated amount of unemployment benefits based on the reduction in your hours. To qualify for STE, your employer must have an approved plan with Workforce West Virginia and reduce your hours between 10 and 20 percent of your regular workweek.

If your employer does not participate in the STE program, they should provide you with a Low Earnings Report (LER) for the week, showing your gross wages. You must complete the claims portion of the LER and file it with your local office as instructed on the form.

**Eligibility Requirements**  
To be eligible to receive unemployment benefits, you must have earned at least \$2,000 in gross wages during two or more calendar quarters of your regular base period, (the first four of the last five completed calendar quarters) or the alternate base period, (the last four completed calendar quarters immediately before the first day of your benefit year).

To qualify for unemployment benefits, you must:

- Be a claimant for benefits under the unemployment law of the nearest local office.
- Register for work with Job Service and continue reporting as directed.
- Be able to work and available for full-time work that matches your training or experience.
- Attend each week full-time work by completing at least four (4) work search activities each week, documenting them, and providing them to your local office.
- Complete an on-week wage reporting activity each week of your benefit year.
- Earn less than your weekly benefit amount plus \$60 during each week claim benefits.
- Be qualified for benefits after a previous benefit year. If you have earned at least eight times your previous weekly benefit amount in covered employment after the start of your previous claim.
- Participate in profiling and reemployment activities when selected.

**How Do I Apply for Benefits?**  
The quickest way to apply is online at [www.wvbenefits.org](http://www.wvbenefits.org). If you prefer to apply online, you can visit the nearest local office. There, you'll meet a computer and staff who help you apply for benefits. If visiting a local office isn't possible, call 1-800-222-KIDS (5627) for assistance. You will be guided through the process and given further instructions.

To file for benefits, you will need information such as:

- Social Security number
- Government-issued photo ID
- Mailing address and phone number
- Valid email address

Unemployment Compensation Benefit Rate Table

Governmental account photo ID				Maricopa County				Whitewing			
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