



WEST VIRGINIA 2025



FEDERAL MINIMUM WAGE

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

CHILD LABOR TAX At least 1½ times the regular rate of pay for all hours worked over 40 in a workweek.

CHILD LABOR TAX Employers must pay tipped employees a cash wage of at least \$2.13 per hour. Tipped employees must receive at least \$7.25 per hour. If an employee's cash wage is less than \$8 to work in non-farm jobs declared hazardous by the Secretary of Labor, youths 14 and 15 years old may work outside school hours in various manufacturing, non-mining, non-hazardous jobs with a child labor tax. Different rules apply in agriculture. **TIPS** Tipped employees who meet certain conditions may claim a partial wage credit based on tips received by their employers. Employers must pay tipped employees a cash wage of at least \$2.13 per hour plus a claimable tip credit of at least \$2.13 per hour. If an employee's cash wage is less than \$8 to work in non-farm jobs declared hazardous by the Secretary of Labor, youths 14 and 15 years old may work outside school hours in various manufacturing, non-mining, non-hazardous jobs with a child labor tax. Different rules apply in agriculture. **PUMP AT WORK** The FLSA requires employers to provide reasonable break time for a nursing employee to express breast milk for their nursing child unless an alternative arrangement has been made. An employer may not require a nursing employee to 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** Civil money penalties may be imposed on employers who violate the FLSA. Civil money penalties may also be imposed in instances of minimum wage, overtime, and other violations. The Department will litigate and/or recommend criminal prosecution. Employers may be assessed civil money penalties for each willful or repeated violation of the minimum wage or overtime pay provisions of the law. Civil money penalties may also be imposed for violations of the FLSA's labor standards under contract. **CIVIL MONITORING** 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 when the violations are willful or repeated. **ADDITIONAL INFORMATION** Certain employees and establishments are exempt from the minimum wage, and/or overtime requirements. Certain employees are entitled to the paid sick leave benefit.

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 both.

Employers (unless exempt) are entitled to the FLSA's minimum wage and overtime pay requirements. **Students** (unless exempt) may be entitled to the FLSA's minimum wage and overtime pay requirements. **Workers with disabilities** may be entitled to the FLSA's minimum wage and overtime pay requirements.

WAGE AND HOUR DIVISION 1-866-487-9243
UNITED STATES DEPARTMENT OF LABOR www.dol.gov/agencies/whd

YOUR RIGHTS UNDER USERRA

THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to serve in the uniformed services or to take certain types of leave in connection with the uniformed services. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services. **REEMPLOYMENT RIGHTS** You have the right to be reemployed in your original position or in a suitable position if: (1) you have served in the uniformed services for one year or less or receive advances written or verbal notice of our service; (2) you return to work or apply for reemployment in a timely manner after conclusion of service; and (3) you have not been separated from your position due to your absence from work. If you are denied reemployment or if you are not able to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service, or, in some cases, a comparable job. **HEALTH INSURANCE PROTECTION** USERRA also protects the right of individuals to maintain health insurance coverage through an employer-based health plan coverage for you and your dependents for up to 24 months while in the military. Even if you do not elect to continue coverage during your military service, you have the right to be reinstated in your employer-based health plan when you are reemployed, generally without any waiting period. **RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION** If you (1) are a past or present member of the uniformed services; (2) have applied for membership in the uniformed service; or (3) are obligated to serve in the uniformed services, you are protected from discrimination and retaliation because of your status. **RETENTION IN EMPLOYMENT**; (2) promotion; or (3) any benefit of employment because of this status. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including reporting or making a complaint to OSHA or the Department of Justice or the Office of Special Counsel, or filing a complaint with VETS. An employer may also bring the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <http://www.dol.gov/agencies/vets/program/userra/poster.html>. If you believe your employer has violated this requirement by displaying the text of this notice where they customarily place notices for employees:



OSHA
Occupational Safety
and Health Administration

Job Safety and Health IT'S THE LAW!

All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request a confidential OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. You have

Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Notify OSHA within 8 hours of a workplace fatality or within 24 hours of any work-related inpatient hospitalization, amputation, or loss of an eye.

EMPLOYEE POLYGRAPH PROTECTION ACT

U.S. Department of Labor **JETS**
U.S. Department of Justice **OSAC**
Office of Special Counsel **ESGR**
Publication Date – May 2022

2025

FEDERAL & STATE LABOR LAW POSTER

An employer employing 5 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, §21-5c.

Required Minimum Wage Act

Beginning January 1, 2015, employers must pay employees at least \$8.75 per hour.

- To care for the employee's son or daughter, spouse, parent, or dependent who has a serious health condition

The statute further states that in the case of a serious health condition, the leave may be taken intermittently when medically necessary.

If a leave of absence due to the birth or adoption of a child is foreseeable, the employee shall provide the employer with a two-week written notice. If a leave of absence is foreseeable due to planned medical treatment or medical supervision, the employee shall make a reasonable effort to schedule the leave of absence so as not to disrupt the operations of the employer, subject to the approval of the health care provider.

If an employee requests Parental Leave to care for a family member with a serious health condition, the employer may

All monies paid as administrative penalties shall be deposited into the Health Care Cost Review Fund provided by Section Eight, Article twenty-nine, Chapter Sixteen of the West Virginia Code.