

# Wage & Hour

## Frequently Asked Questions

### **WHAT EXACTLY DOES WAGE & HOUR DO AND WHAT SERVICES DOES IT PROVIDE?**

Wage & Hour enforces many aspects of labor law including the collection of unpaid wages and benefits, and the enforcement of state minimum wage requirements. Our field staff performs inspections assuring all employees are properly documented and eligible for legal employment, assures companies working on public works projects hire their employees from the local labor market, and assures all applicable companies have posted an adequate wage bond to protect their employee's wages. In relation to safety issues, our field staff enforces state child labor laws, state OSHA Ten requirements concerning employee safety training, and assures all employees working at least six hours a day are provided necessary breaks.

Wage collection, minimum wage, and employee break investigations are initiated whenever an employee files a written complaint with this agency in the form of a Request for Assistance (RFA). Upon receipt of a complaint alleging a violation, an investigation will be performed in order to determine the validity of the complaint, and to issue a final determination based on the facts of the case. When necessary, an administrative hearing will be held to determine what wages, if any, are owed. The entire investigative process is provided without monetary cost to the complainant.

*What this agency cannot do* is to stop an employer from terminating an employee for any reason, address issues relating to harassment, discrimination, hostile work environments, worker's compensation issues, or unemployment matters to include the requirement of low earning slips.

### **WAGE PAYMENT ISSUES**

#### **CAN ANYONE OBTAIN ASSISTANCE FROM WAGE & HOUR TO COLLECT UNPAID MONIES AND/OR WAGES?**

No. An employment relationship must exist between the worker and the employer before the services of this agency may apply. The Division can only accept complaints from actual employees. Independent contractors etc. must address their complaints through magistrate or circuit court.

#### **HOW OFTEN SHOULD I RECEIVE A PAYCHECK?**

Employers must pay their employees all wages due at least twice a month, unless they have been granted a special agreement by the Commissioner of Labor to pay less frequently.

#### **HOW DO I KNOW IF MY EMPLOYER HAS BEEN ISSUED A SPECIAL AGREEMENT?**

You may call the Division of Labor at 304 558 7890, extension 10474, to obtain information concerning active special agreements.

**WHAT IF THE COMPANY DOES NOT HAVE AN AGREEMENT WITH THE COMMISSIONER AND YET I STILL DO NOT GET PAID TWICE A MONTH?**

You should file a formal complaint with this office by completing and returning one of our Requests for Assistance forms. You have the option of filing your complaint in paper form. You may also choose to file an electronic version directly from our website @ [www.wvlabor.com](http://www.wvlabor.com).

**WHO DECIDES WHEN I SHOULD RECEIVE MY WAGES?**

Employers have the right to set the time and place for the payment of wages, when the work week begins and ends, and when the pay period begins and ends, as long as those decisions comply with the provisions of the Wage Payment & Collection Act.

**WHAT IF MY PAYCHECK IS LATE?**

Employers are required to meet payroll at least twice a month with no more than nineteen (19) days between settlements, and to pay their employees all wages earned up to and including the twelfth day immediately preceding the regular pay day. If your employer is consistently late in paying wages, or does not meet the requirements stated for meeting payroll, you need to file a formal complaint with this agency so we may address the issue. However, if the failure to meet payroll is a one-time occurrence and your employer has made arrangements to make sure the missed payroll is corrected no later than nineteen days from your last payday, your wages will have already been paid before this agency would have time to initiate an investigation.

**WHEN SHOULD I RECEIVE MY FINAL WAGES AFTER BEING TERMINATED?**

As of June 13, 2015, there is no longer any difference between the rules for paying final wages relating to someone who quits, resigns, or is terminated. For all such circumstances relating to separation of employment, final wages are to be paid no later than the next regular pay day in which the wages would otherwise have been due and payable.

**WHAT IF THE TIME FRAME HAS PASSED TO PAY MY FINAL WAGES BUT I STILL HAVE NOT BEEN PAID?**

If you have not received your final wages by the next regular payday in which you would otherwise have been paid, you need to file a complaint with this agency for your unpaid wages by completing and returning one of our Requests for Assistance forms. You may also file an electronic complaint directly from our website @ [www.wvlabor.com](http://www.wvlabor.com).

**WHAT IF MY EMPLOYER PAID MY FINAL WAGES, JUST NOT WITHIN THE TIME FRAME REQUIRED? IS THE EMPLOYER ASSESSED ANY TYPE OF PENALTY UNDER THESE CIRCUMSTANCES?**

The West Virginia Wage Payment & Collection Act provides for the assessment of liquidated damages as a monetary penalty to employers for failing to pay final wages in a timely manner. Prior to

June 13, 2015, liquidated damages were calculated at three (3) times the gross amount of wages owed. As of June 13, 2015 forward, liquidated damages are calculated at two (2) times the total amount of gross wages owed. As this agency does not have the authority to assess damages, in order to pursue any liquidated damages you feel you are owed; you must file a complaint in magistrate or circuit court in the county where you worked. You always have the right to hire an attorney for assistance.

**IS AN EMPLOYER ALLOWED TO WITHHOLD WAGES BECAUSE THE EMPLOYEE FAILED TO TURN IN A UNIFORM OR KEY?**

No. State law does not allow employers to withhold an employee's wages for any reason. Unreturned property, equipment, or damaged property must be addressed through magistrate or circuit court.

**IS AN EMPLOYER REQUIRED TO PROVIDE VACATION AND SICK LEAVE BENEFITS TO THEIR EMPLOYEES?**

Employers are not required by law to provide any type of fringe benefits such as holiday pay, vacation pay, sick leave, or any other type of paid leave to their employees. However, if they do provide such benefits they are responsible for establishing a written policy outlining how those benefits are earned and paid.

**ARE FRINGE BENEFITS CONSIDERED FINAL WAGES, AND WHEN SHOULD I RECEIVE PAYMENT FOR THOSE UNUSED BENEFITS?**

Fringe benefits are defined as "wages" and any benefits payable at termination according to written company policy are to be included as part of final wages upon separation from employment. As of June 13, 2015, employers have the option of designating within their written benefit policies any benefits that are not to be considered as part of final wages

**DOES AN EMPLOYER HAVE THE OPTION OF CHANGING THEIR FRINGE BENEFIT POLICY?**

Since there is no requirement for employers to provide benefits in the first place, they may stop them entirely or change them at any time as long as they provide a written notice to the affected employees at least one pay period in advance of the change.

**WHAT IF I HAVE UNUSED BENEFITS COMING TO ME WHEN THE POLICY IS CHANGED?**

Although the employer may change their policy at any time to reduce or stop existing benefits, they cannot take back those benefits already earned under the previous policy. For example, an employer has the option to discontinue providing vacation benefits; however, they must allow their employees to use the vacation hours they have already earned.

**CAN AN EMPLOYER PAY OUT UNUSED BENEFITS TO SOME EMPLOYEES WHEN THEY LEAVE THE COMPANY, BUT NOT OTHERS?**

Employers may designate within their written benefit policies specific terms and conditions to restrict the payment of unused benefits to certain employees, while allowing for payment of those same

benefits to others. Should a company choose to make such provisions, the conditions for such differences must be clearly stated and all relative terms specifically defined.

**DOES THE WPC REQUIRE THAT I RECEIVE AN AUTOMATIC COST OF LIVING INCREASE EACH YEAR, OR A RAISE AFTER RECEIVING A FAVORABLE EVALUATION?**

No. As long as you're receiving at least the current minimum wage, we cannot require your employer to give you a raise under any conditions. However if you are working under a written contract and/or employment agreement guaranteeing such increases, you need to fill out a Request for Assistance form with our agency.

**CAN MY EMPLOYER REDUCE MY HOURLY RATE OF PAY?**

Yes, but only after providing you with a full pay period's notice of the reduction before it goes into effect, and if the reduction does not cause you to fall below the current minimum wage. If your wages are reduced without such notification, you can file a complaint with this agency for assistance. However, your complaint will be limited to the difference in your hourly rate for the initial pay period in which the change occurred.

**IF MY EMPLOYER SENDS ME HOME AFTER ARRIVING TO WORK OR CHANGES MY SCHEDULE WITHOUT PRIOR NOTIFICATION, AM I ENTITLED TO RECEIVE SHOW UP TIME?**

No. Wage & Hour can only require employers to pay their employees for actual hours worked, unless that employer has a written policy that requires payment under such circumstances.

**CAN I BE FIRED FOR NOT REPORTING TO WORK WHEN THE GOVERNOR HAS ISSUED A STATE OF EMERGENCY?**

As state law does not prohibit such firings, employers in the state of West Virginia may hire and fire employees "at-will" without notice or cause.

**IF MY EMPLOYER CLOSES THEIR BUSINESS DUE TO WEATHER OR OTHER UNFORSEEN CIRCUMSTANCES AND DOES NOT ALLOW ME TO WORK, AM I ENTITLED TO PAYMENT FOR THE HOURS THAT I WAS NOT ALLOWED TO WORK?**

No. Wage & Hour can only require employers to pay their employees for actual hours worked, unless that employer has a written policy that requires payment under such circumstances.

**IF NOT, CAN THEY TAKE MY VACATION DAYS TO MAKE UP FOR THE AMOUNT OF TIME I WAS NOT ALLOWED TO WORK?**

Employers are within their rights to require employees to use their vacation days, etc. to fill in for such days.

## Minimum Wage Requirements

### WHAT IS THE CURRENT MINIMUM WAGE?

As of January 1, 2015, the state minimum was increased to \$8:00 per hour, and will increase again to \$8.75 as of January 1, 2016. In order for state minimum wage requirements to apply, employees must be considered non-exempt and work at one of their employer's business locations where at least six (6) or more non-exempt employees are working.

### WHAT IS THE MINIMUM WAGE FOR WORKERS THAT RECEIVE TIPS?

West Virginia allows employers a 70% credit against the minimum wage requirement for their service (tipped) employees. That means an employer may pay their employees eligible to receive tips a cash wage of \$2.40 per hour, as long as their hourly cash rate, plus reported tips, equals the minimum wage requirement. In order for the 70% state tip credit to apply, employees must meet the same conditions as required for minimum wage coverage. See our Minimum Wage Fact Sheet to determine coverage eligibility.

### WHAT ARE THE EXEMPTIONS FOR MINIMUM WAGE COVERAGE?

There are seventeen (17) specific categories of workers that are considered exempt under state minimum wage requirements. Those categories of workers are identified by a FACT SHEET which is available on our website. In addition, before state minimum wage requirements may apply, there must be at least six (6) or more non-exempt employees working at each separate, distinct, and permanent business location.

## Referral & Other General Information

### MY EMPLOYER DOES NOT PAY OVERTIME WAGES, HOW DO I FILE A COMPLAINT FOR MY OVERTIME?

In order for the state Division of Labor to have jurisdiction relating to overtime and maximum hour complaints, the employer cannot be under the authority of the Fair Labor Standards Act, which is enforced by the United States Department of Labor (USDOL). Therefore, all overtime related issues should be first addressed to the USDOL. You may contact the local USDOL office by calling @ 304 347 5206, or by visiting their website @ [www.dol.gov](http://www.dol.gov).

### CAN ANYONE OBTAIN ASSISTANCE FROM WAGE & HOUR TO COLLECT UNPAID MONIES/ WAGES?

No. The Division can only accept complaints from actual employees. Independent contractors etc. must address their complaints through magistrate or circuit court.

### IF I FEEL I'VE BEEN WRONGLY OR UNFAIRLY TERMINATED, CAN WAGE & HOUR GET MY JOB BACK?

No. As West Virginia follows the "at-will" doctrine for hiring and firing, employers have the right to hire and fire "at-will" without having a valid reason. However, this does not mean your employer has the right to discriminate against you. If you feel as if you have been discriminated against, you have the

right to contact legal counsel or the state Human Rights Commission for assistance. You may contact the state Human Rights Commission by calling 304 558 2616.

**CAN WAGE & HOUR ASSIST ME WITH A HOSTILE WORK ENVIRONMENT?**

Wage & Hour can only provide assistance concerning unpaid wages and/or benefits etc., and has no authority to intervene in such matters. If you feel you are working in a hostile work environment, you need to obtain the advice of an attorney.

**I HAVE QUESTIONS ABOUT UNEMPLOYMENT AND/OR LOW EARNING SLIPS, CAN YOU HELP ME?**

No. Unemployment and low earnings slips are under the jurisdiction of Workforce WV. You will need to contact your local unemployment office for assistance in such matters.

**WHAT ARE MY SENIORITY RIGHTS?**

Seniority rights for employees may be addressed by private contract and/or employment agreement; however, such issues are not addressed by any laws enforced by this agency, including the order of layoffs and/or the giving of promotions. Such issues are at the discretion of the employer and not under the jurisdiction of this agency, other than applying the rules for paying final wages.

**Employee Break Requirements**

**DOES STATE LAW REQUIRE EMPLOYERS TO PROVIDE THEIR EMPLOYEES WITH ANY TYPE OF A LUNCH, BREAK, OR REST PERIOD?**

All West Virginia employers are required to provide their employees working at least six (6) or more hours with a minimum twenty (20) minute break period, unless that employee is allowed to eat and visit the restroom while working.

**IF PROVIDED A BREAK OR LUNCH PERIOD, DOES IT HAVE TO BE PAID?**

Uninterrupted lunch or break periods that are less than thirty (30) minutes in length are considered hours worked, and therefore the employee must be paid for that time. Any lunch or break period consisting of thirty (30) minutes or longer is not considered hours worked, therefore an employer does not have to pay their employees for any lunch or break periods that equals or exceeds thirty (30) minutes in duration.

**WHAT IF I AM PROVIDED A THIRTY MINUTE LUNCH PERIOD BUT I HAVE TO TAKE PHONE CALLS OR PERFORM OTHER WORK DUTIES DURING THAT TIME? IS THE BREAK STILL UNPAID?**

Uninterrupted break periods lasting thirty (30) minutes or longer may be unpaid. However, if those thirty minutes are interrupted by work duties, or the break is cut short of lasting the full thirty minutes; such time is considered to be work time and fully compensable.

**MY EMPLOYER WANTS TO GIVE ME MY BREAK IMMEDIATELY WHEN MY SHIFT STARTS. ARE THERE ANY GUIDELINES THAT REQUIRE THE TWENTY MINUTE BREAK TO BE GIVEN AFTER A CERTAIN NUMBER OF HOURS WORKED?**

No. The break is to be given at times reasonably established by the employer. What that means is that the employer is allowed to schedule your break at any time during your work shift.

**IF I WORK MORE THAN TWELVE STRAIGHT HOURS, DOES THAT MEAN I'M ENTITLED TO TWO (2) TWENTY MINUTE BREAKS?**

No. Coverage is determined by the minimum number of hours worked and not the total number of hours.

**WHAT DO I DO IF MY EMPLOYER IS NOT FOLLOWING THESE GUIDELINES?**

You should file a formal complaint with this office by completing and returning one of our Requests for Assistance forms. You have the option of filing your complaint in paper form or electronically directly from our website @ [www.wvlabor.com](http://www.wvlabor.com).

## **Undocumented Workers**

**WHICH EMPLOYERS ARE COVERED BY WEST VIRGINIA'S REQUIREMENT TO VERIFY THE LEGAL EMPLOYMENT ELIGIBILITY OF THEIR WORKERS?**

Every employer having employees working within the boundaries of the state of West Virginia is required to verify the legal employment status or authorization to work for each of their employees at the time of hire.

**WHAT ARE THE REQUIREMENTS TO VERIFY AN EMPLOYEE'S LEGAL EMPLOYMENT ELIGIBILITY OR AUTHORIZATION TO WORK?**

Proper documentation is required to verify an employee's legal eligibility or authorization to work. Employers meet this responsibility by requiring one piece of the following types of identification from each new employee at the time of hire. A valid social security card; a valid immigration or non-immigration visa including photo identification; a valid birth certificate; a valid passport; a valid photo ID card issued by a government agency; a valid work permit or supervision permit issued by the WV Division of Labor; or a valid permit issued by the Department of Justice.

**ONCE I'VE OBTAINED A COPY OF ONE OF THE PIECES OF ALLOWABLE IDENTIFICATION FOR EACH EMPLOYEE, DOES THAT MEAN MY COMPANY IS IN FULL COMPLIANCE?**

Obtaining the required documentation is only the first part of compliance. Maintaining that information and making it available to the Division of Labor upon inspection is the second requirement of compliance.

**I OWN A CONSTRUCTION COMPANY AND I'VE HEARD PART OF COMPLIANCE INCLUDES KEEPING COPIES OF EMPLOYEE IDENTIFICATION AT EACH INDIVIDUAL JOB SITE. AS I DON'T FEEL**

**COMFORTABLE MAINTAINING THAT TYPE OF INFORMATION AT SUCH LOCATIONS, WILL I BE ABLE TO ACHIEVE COMPLIANCE?**

Yes. Although documentation for each employee is expected to be made available at each job site location, state law allows employers the option of maintaining such records at their central recordkeeping location. Whenever the company chooses this option and does not maintain the required records at the place of employment or work, a Notice to Produce Records or Documents (NTPR) will be served upon inspection by a DOL Field Officer requiring the company to produce the required employee documentation within 72 hours.

**IF EACH EMPLOYEE WORKING AT THE JOB SITE HAS THE REQUIRED DOCUMENTATION ON THEIR PERSON AND MAKES THAT INFORMATION AVAILABLE TO DIVISION OF LABOR FIELD STAFF, WILL MY COMPANY BE CONSIDERED TO BE IN COMPLIANCE?**

No. The responsibility for obtaining and providing the required employee documentation is the sole responsibility of the employer.

**IF MY COMPANY IS SERVED A NOTICE TO PRODUCE RECORDS OR DOCUMENTS, DOES THAT CONSTITUTE A VIOLATION?**

No. The issuance of a Notice to Produce Records or Documents (NTPR) by itself does not indicate a company is in violation; however, a company's failure to provide the documentation after being served an NTPR does. Failure to comply with the requirements of an NTPR may result in the issuance of a Citation.

**I DON'T HAVE ANY EMPLOYEES WORKING FOR ME THAT ARE NOT UNITED STATES CITIZENS. DO I STILL HAVE TO COMPLY?**

Yes. The requirement to verify an employee's legal status to work is not based solely on an individual's citizenship status.

## **WV Jobs Act**

**WHAT IS THE WV JOBS ACT AND WHICH COMPANIES DOES IT APPLY TO?**

The WV Jobs Act requires construction companies working on state funded public improvement projects within the state of West Virginia where the cost of the project equals or exceeds \$500,000.00 to hire at least 75% of their employees from the local labor market.

**IF THE PUBLIC IMPROVEMENT PROJECT INCLUDES ANY FEDERAL FUNDS, DOES THAT HAVE ANY EFFECT ON STATE JOBS ACT REQUIREMENTS?**

**Yes it does. The requirements of the WV Jobs Act will not apply to any project that includes any amount of federal funding.**

**WHAT AREAS ARE CONSIDERED TO BE PART OF THE LOCAL LABOR MARKET?**

The local labor market includes the entire state of West Virginia, as well as all counties outside of West Virginia of which any part falls within fifty miles from West Virginia's borders.

**ALL OF MY EMPLOYEES LIVE OUTSIDE THE LOCAL LABOR MARKET. AM I NOT ALLOWED TO USE ANY EMPLOYEES OF MY OWN CHOOSING TO BE IN CHARGE OF THE PROJECT?**

Yes. Each employer is allowed to utilize two (2) employees from outside the local labor market and still remain in compliance.

**WHAT ARE MY OPTIONS FOR HIRING FROM THE LOCAL LABOR MARKET IF MY COMPANY IS NOT FROM THE AREA?**

West Virginia's Unemployment & Job Service agency, Workforce WV, is available to assist employers that need to hire from the local labor market. Specialty contractors that cannot find available workers from the local labor market may request a waiver from Workforce WV from the requirements of the Act.

## **OSHA TEN Safety Training Requirements**

**WHAT IS MEANT BY OSHA TEN REQUIREMENTS?**

All persons or business entities providing services as a contractor, or subcontractor, for the construction, alteration, remodeling or repair of any public improvement with a total project cost in excess of \$50,000.00 may not employ any person who has not successfully completed a ten hour construction safety program as designated by OSHA. The required ten hour training program must be completed within twenty one calendar days after an individual has been employed or assigned to the public improvement work site. For the purposes of state OSHA TEN requirements, the training class must pertain to the construction industry. Certification training relating to general industry programs is not acceptable.

**HOW DO YOU KNOW IF AN EMPLOYEE HAS PASSED THE NECESSARY TRAINING CLASS?**

The employee will be issued an OSHA Certification Card stating the type of training received. Such certifications do not expire.

**ARE ANY INDIVIDUALS EXEMPT FROM THE OSHA TEN TRAINING CERTIFICATION REQUIREMENTS?**

Yes, Law enforcement officers involved in traffic control or job site security, federal state and municipal government employees and inspectors, and suppliers whose sole responsibility is to delivery materials to the work site are all exempt.

## Wage Bond Requirements

### WHAT IS A WAGE BOND?

A wage bond is a security that is posted with the Division of Labor for the sole purpose of protecting employee wages and fringe benefits.

### WHAT IS THE PURPOSE FOR A WAGE BOND?

After an investigation has been performed and the Commissioner of Labor has determined that employee wages and/or fringe benefits are unpaid, the Commissioner shall make demand of the employer for the payment of those wages. If the employer is unable to pay the unpaid wages as determined by the Commissioner, the Division will forfeit the company's wage bond to pay those employees.

### ARE ALL COMPANIES REQUIRED TO POST A WAGE BOND?

Only those companies engaged in construction, mining or the transportation of minerals are required to post a bond. The term construction does not include work relating to the building of single family dwellings, or single family farming enterprises.

### ARE THERE ANY EXEMPTIONS FROM BEING REQUIRED TO POST A BOND?

Once a company has maintained a payroll for a period of at least five years, a bond is no longer required.

### HOW IS THE AMOUNT OF THE BOND CALCULATED?

The amount of the bond is based on bond four weeks gross payroll at maximum capacity or production, plus an additional fifteen percent.

### WHAT IF MY COMPANY DOES NOT HIRE EMPLOYEES TO WORK A FULL FOUR WEEKS IN WEST VIRGINIA?

The bond amount will be calculated based on the regular hourly rate for each employee times forty hours, times four weeks, plus fifteen percent; unless existing payroll records can be provided to show that your company's maximum payroll capacity is based on a lower amount.

### WHAT ARE THE AVAILABLE METHODS FOR POSTING A BOND? WILL I NEED SPECIFIC FORMS?

The following options are available for posting a wage bond. All options require specific forms, which are available directly from our website. 1. Check, cashier's check, or money order made payable to the Division of Labor. 2. Letters of Credit. 3. Certificates of Deposit drawn on a WV Bank. 4. Surety Bonds.

**IF I HAVE TO POST A BOND, WHAT ARE THE CONDITIONS FOR IT TO BE RELEASED?**

Once a company has ceased operations in this state, has maintained a payroll in West Virginia for the required five years, or no longer maintains a payroll at all, the bond becomes eligible for release. The required affidavit to start the release process is available on our website. Along with that affidavit, companies are also required to provide a self-addressed stamped envelope for every employee that's included on their current or final payroll. Bonds will not be released by the Commissioner until all wage claims are resolved.

**Child Labor**

**IF A CHILD THE AGE OF FOURTEEN (14) THROUGH SEVENTEEN (17) WANTS TO GO TO WORK, HOW DOES THAT CHILD START THE PROCESS OF OBTAINING THE NECESSARY PERMIT OR CERTIFICATE?**

All Work Permits and Age Certificates are processed and granted by the Board of Education in the county in which your child resides. You will need to contact the appropriate Board of Education to obtain the proper forms. Work Permits are required for fourteen (14) and fifteen (15) year olds, and they require both parental consent and proof of age. Age Certificates for sixteen (16) and seventeen (17) year olds only require proof of age. The promise of a job is required before the application process may be started.

**MY CHILD GOES TO SCHOOL OUT OF STATE BUT WANTS TO GO TO WORK IN THE STATE OF WEST VIRGINIA FOR THE SUMMER, WHAT DO I NEED TO DO TO GET THEM A WORK PERMIT OR AGE CERTIFICATE?**

The registrar of the school being attended needs to provide a statement that the minor is in attendance of their school. Once obtained, that statement is to be presented to the WV County Board of Education that will be issuing the permit. As the minor does not attend school in WV, you will go to the county Board of Education where the work will be performed.

**IF MY CHILD WISHES TO MOW GRASS OR BABYSIT FOR A NEIGHBOR, IS A WORK PERMIT OR AGE CERTIFICATE REQUIRED?**

No. Not unless the neighbor is acting in the capacity of an employer and is hiring your child as an actual employee of their business. Such casual work outside of an employment relationship does not require a permit or any kind.

**AS A BUSINESS OWNER, MAY I EMPLOY MY OWN CHILD WITHOUT HAVING TO OBTAIN A WORK PERMIT AND IF SO, WHAT IS THE MINIMUM AGE THEY MAY BEGIN WORKING?**

Parents may hire their own children to work for their own business at any age without the requirement to obtain a permit of any kind.

**WHAT IS THE LATEST MY CHILD MAY WORK DURING THE SUMMER?**

That depends upon the age of the minor and when public school is considered to be in session in your county. Fourteen (14) & fifteen (15) year olds may work until 9:00 pm once public school is no

longer in session, but only until 7:00 pm while public school is still in session. The hours of work for sixteen (16) and seventeen (17) year olds are not restricted at any time.

### **WHAT ARE THE RULES FOR HOME SCHOOLED CHILDREN?**

Home schooled children are required to follow the same child labor regulations as any other minor, including obtaining the necessary permits, working age appropriate hours, and avoiding hazardous occupations.

### **ARE THERE ANY EXEMPTIONS TO WEST VIRGINIA CHILD LABOR REQUIREMENTS?**

Yes. Casual work outside of an employment relationship such as babysitting, running errands, lawn mowing etc.; work defined as agricultural or horticultural; the delivering of newspapers; theatrical work such as acting; domestic employment; and work performed for a business owned by a parent or guardian are all activities that are exempt from state child labor requirements. However, federal child labor hazardous occupation restrictions may still apply if an employment relationship is in place for such occupations.