

# Wage & Hour Section

Frequently Asked Questions

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## Minimum Wage & Overtime

### WHAT IS THE CURRENT MINIMUM WAGE?

The current minimum wage under both state and federal law is currently \$7.25 per hour.

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

West Virginia allows for a 20% credit against the minimum wage requirement for tipped employees. What that means is that employers may pay their service employees that are receiving gratuities (tips) a reduced minimum wage of \$5.80 per hour as long as their hourly rate plus tips equals \$7.25 per hour. **NOTE: Companies that fall under the jurisdiction of the federal Fair Labor Standards Act for minimum wage coverage may pay the federal tip credit of \$2.13 per hour. See our Minimum Wage Fact Sheet to determine coverage eligibility.**

### WHEN DOES OVERTIME APPLY?

When an hourly non-exempt employee works more than forty (40) hours in a seven (7) consecutive day workweek (as established by the employer), that employee is entitled to receive time and a half for those hours exceeding forty. For example: An hourly employee receiving \$7.25 per hour would be paid an overtime rate of \$10.88 per hour.  $\{7.25 * 1.5 = 10.88\}$

### DOES THE OVERTIME RATE STILL APPLY IF THE FORTY PLUS HOURS INCLUDES HOLIDAY PAY OR OTHER PAID LEAVE?

You must actually work over forty (40) hours before you're entitled to receive time and half. The payment of holiday pay, vacation pay, etc., may cause you to be paid for more than forty (40) hours but those hours are not considered "hours worked".