

West Virginia Division of Labor

Wage Bond Surety Cancellation Affidavit

Wage & Hour Section
 1900 Kanawha Boulevard East
 State Capitol Complex, Building 3, Room 200
 Charleston, WV 25305



Phone: 304 558 7890
 Fax: 304 558 3797
 Email: wageandhour@wv.gov
<http://www.labor.wv.gov>

Enter Full Company Name (to include dba) as Registered with the WV State Tax Department

Current Business Mailing Address

Email Address			
9 Digit FEIN #		Phone #	

The surety bond posted with the Division of Labor as a wage bond to protect employee wages is being cancelled by your surety provider. If this bond was cancelled because your company is now exempt from the requirement to post a bond, please indicate the exemption that applies by placing a check mark (✓) in the appropriate box below. If none of the stated exemptions apply and you have employees working in West Virginia, mark Option K to indicate additional bonding is required.

A		Company has been actively engaged in a covered activity within the state of West Virginia, with employees, for a period of 1 year. *
B		Company has been in business in another state for a period of 5 years. *
C		Company has \$100,000.00 or more in available assets. *
D		Company is active but does not have any employees working in West Virginia.
E		Company is a subsidiary of a parent company that has been in business for more than 5 years. Enter Name of Parent Company:
F		Company has totally ceased operations.
G		Company has completed the West Virginia project that required the bond to be posted and does not anticipate any future projects in West Virginia that would require a bond.
H		Company's work is limited to the construction of single family dwellings and/or family farming enterprises.
I		Company is replacing an existing bond with a new one.
J		Company was not awarded the job for which the bond was posted.
K		Company does not qualify for an exemption.

Compliance Certification Statement

Indicate by check mark ✓ the option below that applies to your company.

1. ___ I hereby certify that the employees whose wages were covered by the wage bond posted with the Division of Labor have been paid all wages and fringe benefits through their most current pay period and that this company meets the criteria as specified above to qualify for a wage bond exemption.

2. ___ I hereby fully acknowledge that this company does not yet qualify for a wage bond exemption and have indicated as such by marking Option K. I also acknowledge that additional bonding is required prior to the cancellation date of the bond.

Print or type name and title here: _____
 (Authorized Representative must be an Owner, Partner, LLC Member or Corporate Officer)

 (Signature of Authorized Representative) _____
 (Enter Date)

Taken, subscribed, and sworn to before me this ____ day of _____, 20__.

 (Notary Public Signature)

My commission expires _____

SURETY BONDS may be cancelled by the issuing surety company or by the Division of Labor. That means the surety provider may issue notice of cancellation before a company meets the conditions necessary to qualify as exempt. Once notified of a bond cancellation, the company must either report its exemption to the Division of Labor or post another bond. Both situations are reported to the Division by completing a Surety Cancellation Affidavit, which will allow the company to either state the nature of its exemption, or acknowledge it does not qualify as exempt by marking Option K. Companies that choose Option K must post a new bond prior to the actual cancellation date of the current bond. When posting a new bond, companies must also complete a new Wage Bond Status Affidavit. All bond forms, including the Wage Bond Status Affidavit, are available from the Division of Labor's website.

EXEMPTION DESCRIPTIONS

Exemptions A & B may require additional supporting documentation to verify a company meets the conditions necessary to qualify for these exemptions. The decision concerning whether a company is required to supply such additional documentation is based on the Division of Labor's ability, or inability, to independently verify the company's status. Please review the examples provided below to determine whether your company will be required to submit additional evidence to support the exemption stated.

*** Exemption A**

- Companies that have been in business in West Virginia, with employees, for a period of at least one (1) year and have reported employee wages to an unemployment account registered with WorkForce West Virginia within that same year **are not required to submit additional supporting documentation**. This applies to both in-state and out-of-state companies meeting these conditions.
- Companies that have been working in West Virginia, with employees, for a period of 1 year that **do not** have a WorkForce West Virginia unemployment account must submit additional evidence to verify employee activity in this state.

*** Exemption B**

- Out-of-state companies that have maintained one or more of the following licenses or registrations for a period of at least five years **are not required to submit additional evidence to support the exemption**: 1) A West Virginia Contractor License; 2) A Business Registration Certificate with the West Virginia State Tax Department; or 3) A Business Registration with the West Virginia Secretary of State.
- Companies that have been in business in another state for 5 years but do not hold any of the above stated registrations or licenses **MUST** attach evidence to verify business activity within another state.

Exemption C

- Companies that choose to claim the exemption for having \$100,000.00 in available assets **MUST** submit evidence to support the exemption.

Exemptions D – J do not require additional documentation unless specifically requested by the Division of Labor upon receipt of the affidavit.

Cancellation Affidavit Completion Review

Before submitting your affidavit to the Division of Labor for processing, please review the following items to make sure the form is properly completed, and that you have attached any additional documentation required.

- ✓ The company name and contact information entered reflect current information.
- ✓ One of the boxes has been checked to indicate the type of exemption being claimed.
- ✓ The Compliance Certification Statement box that applies to your company's situation has been checked.
- ✓ The individual signing the affidavit is listed as an owner, partner, LLC member or corporate officer in the state of WV.
- ✓ The authorized representative's signature has been notarized by a Notary Public.
- ✓ Any additional documentation needed to support the exemption is provided.

The Division of Labor processes your personal information for appropriate and customary business purposes. Your personal information may be disclosed to other State agencies or third parties in the normal course of business as needed to comply with State or Federal laws. If you have any questions about the Division of Labor's use of your personal information or would like a copy of the Division's complete privacy notice, please submit a written request to LaborAdministration@wv.gov.