

West Virginia Division of Labor State Minimum Wage Requirements

**West Virginia Division of Labor
Wage & Hour Section**

Minimum Wage Fact Sheet - West Virginia Code Chapter 21, Article 5C
(May 2020)

WEST VIRGINIA MINIMUM WAGE EXEMPTIONS

The following occupations are considered exempt from the Minimum Wage and/or Maximum Hour requirements.

1. Any individual employed by the United States
2. Any individual engaged in the activities of an educational, charitable, religious, fraternal, or nonprofit organization where the employer employee does not in fact exist or where the services rendered to such organizations are on a voluntary basis
3. Newsboys, shoeshine boys, golf caddies, pin boys, and pin chasers in bowling lanes
4. Traveling salesmen and outside salesmen
5. Service performed by an individual in the employ of his or her parent, son, daughter, or spouse
6. Any individual employed in a bona fide professional, executive, or administrative capacity
7. Any person whose employment is for the purpose of on-the-job training
8. Any person having a physical or mental handicap so severe as to prevent his or her employment or employment training in any training or employment facility other than a nonprofit sheltered workshop
9. Any individual employed in a boys or girls summer camp
10. Any person 62 years of age or over who received old-age or survivors benefits from the Social Security Administration
11. Any individual employed in agriculture as the word "agriculture" is defined in the Fair Labor Standards Act of 1938 as amended
12. Any individual employed as a firefighter by the state or agency

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13. Ushers in theaters
14. Any individual employed on a part-time basis who is a student in any recognized school or college
15. Any individual employed by a local or interurban motorbus carrier
16. So far as the maximum hours and overtime compensation provisions of this article are concerned, any salesman, parts man, or mechanic primarily engaged in selling or servicing automobiles, trailers, trucks, farm implements, or aircraft if employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles to ultimate purchasers
17. Any employee with respect to whom the United States Department of Transportation has statutory authority to establish qualifications and maximum hours of service
18. Any person employed on a per diem basis by the Senate, the House of Delegates, or the Joint Committee on Government and Finance of the Legislature of West Virginia, other employees of the Senate or House of Delegates designated by the presiding officer thereof, and additional employees of the Joint Committee on Government and Finance designated by such joint committee
19. Any person employed as a seasonal employee of a commercial whitewater outfitter where the seasonal employee works less than seven months in any one calendar year and, in such case, only for the limited purpose of exempting the seasonal employee from the maximum hours provision of §21-5C-3
20. Any person employed as a seasonal employee of an amusement park where the seasonal employee works less than seven months in any one calendar year and, in such case, only for the limited purpose of exempting the seasonal employee from the maximum hours provisions of §21-5C-3