

WEST VIRGINIA DIVISION OF LABOR

1900 Kanawha Boulevard East - State Capitol Complex – Building 3, Room 200 - Charleston, WV 25305
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Wage Bond Status Affidavit

Business Name (to include dba) as registered with the West Virginia Tax Department

Current Business Mailing Address

Email Address:			
9 Digit FEI #:		Telephone #:	

Type of Business: Construction Mining Transportation of Minerals Not Applicable (See instructions)

Exemptions - please ✓ only 1 box. (See instructions for exemptions with an * that require additional verification)

Work performed in West Virginia is limited to single family dwellings and/or family farming enterprises.

Business does not have any employees working in West Virginia.

Business has had employees working in West Virginia for at least one year. *

Business has been active in another state for at least five years. *

Business has \$100,000.00 or more in available assets. *

Business is a subsidiary of a parent company that has been in business for more than five years. *

The name and address of the qualifying parent company is: _____

Bond Required – A business that does not qualify for one of the above exemptions must post a wage bond with the Division of Labor for a period of 1 year. To determine the amount of bond required enter the following Information:

1. 4 weeks' payroll in WV @ maximum capacity or production \$ _____

2. Enter 15% of the amount of line 1. \$ _____

Add the amounts on lines 1 & 2 to determine bond amount. \$ _____

Enter the number of employees working in WV _____

By my signature below, (1) I affirm that the information I have provided in this Wage Bond Status Affidavit is complete, true, and accurate to the best of my knowledge and belief, and (2) I acknowledge and understand that the information I have provided, including financial information, is a public record as defined in W. Va. Code §29B-1-2(5) and is covered by the WV Freedom of Information Act, W. Va. Code §29B-1-1 *et seq.*

(Name of Authorized Representative)

(Title)

(Signature of Authorized Representative)

(Date)

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

(Notary Public Signature)

My commission expires _____

Instructions for Completing the Wage Bond Status Affidavit

A business that is engaged in construction, mining, or the transportation of minerals in West Virginia must register its wage bond status with the Division of Labor. The Wage Bond Status Affidavit allows a business to register with the Division of Labor by claiming a wage bond exemption or by determining the amount of the wage bond required based on the number of employees working in West Virginia.

Exemptions

If your business qualifies for one of the exemptions stated below, you may claim that exemption by submitting a completed Wage Bond Status Affidavit and submitting additional information when necessary. *Please note that some exemptions require additional information to verify that the business qualifies for the exemption. The exemptions listed on the affidavit that may require additional information are marked with an asterisk *.*

Exemptions that **DO NOT** require additional evidence or verification to qualify include:

- A business that has had employees working in West Virginia for a period of at least 1 year and has reported employee wages to an unemployment account registered with WorkForce West Virginia within that same year.
- A business that does not have employees physically working in West Virginia.
- A business that is engaged solely in the construction of single family dwellings and/or family farming enterprises.
- A business that is a subsidiary of a parent company that has been in business for at least 5 years.
- An out-of-state business that has maintained one or more of the following licenses or registrations for a period of at least 5 years:
 - A West Virginia Contractor License; or
 - A Business Registration Certificate with the West Virginia Tax Department; or
 - A Corporate Registration with the West Virginia Secretary of State.

Exemptions that **DO** require additional evidence or verification to qualify include:

- A business that has been active in another state for 5 years but does not hold any of the above stated registrations or licenses **MUST** attach evidence to verify business activity in another state.
- A business that has had employees working in West Virginia for a period of 1 year but does not have a WorkForce West Virginia unemployment account **MUST** submit additional evidence to verify employee work activity in this state.
- A business that chooses to claim an exemption based on \$100,000.00 in available assets **MUST** submit evidence to support the exemption.

Request for an Exemption Determination

If a business wishes to obtain a determination from the Division of Labor that the scope of its work does not fall within the definitions of construction, mining, or the transportation of minerals as defined in W. Va. Code §21-5-1, the business may apply for an exemption by completing a Wage Bond Status Affidavit and checking the **Not Applicable** box in the **Type of Business** section. The business must include a complete description or scope of work being performed.

Failure to Post a Wage Bond or Failing to Increase the Wage Bond Amount

If a business fails to post a wage bond when required to do so, fails to increase its wage bond amount when necessary, or otherwise fails to maintain an adequate wage bond amount, the business may be issued a cease and desist order.