

West Virginia Division of Labor Wage Bond Release 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 #	

EXEMPTIONS: Place a check mark (✓) beside the exemption qualifying your company for a wage bond release.

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.

Compliance Certification Statement

Two of the following certification statements must be checked: Statement 1 applies to all companies; and Statement 2 or 3 as applicable.

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 or final pay period and that this company meets the criteria as specified above to qualify for a release.
2. _____ I hereby certify that written notification has been provided to all employees whose wages are or were covered by the wage bond, and that I am requesting such bond be released. I also certify that such notification included instructions for the employees to notify the Commissioner of Labor in West Virginia of any possible wage claims so they may be resolved prior to the release of the bond.
3. _____ I hereby certify this company has never had any employees in WV, no longer maintains a payroll in WV, or has totally ceased operations and as such cannot issue notification of this release request to any previous employees whose wages were covered by the bond. My last payroll in WV occurred in _____ .◀ (Enter Month & Year)

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 _____

EXEMPTIONS A, B & C 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.

Release 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.

NOTE: In addition to this affidavit, the Division of Labor may request additional evidence to verify that employee wages are paid to date before releasing the bond. Should that additional information be required, the company will be notified after the affidavit is received.

- ✓ The company name and contact information entered reflect current information.
 - ✓ One of the exemption boxes has been checked to indicate the type of exemption being claimed.
 - ✓ Compliance Certification Statement #1 has been checked as well as Statement 2 or 3, whichever one applies.
 - ✓ The individual signing the affidavit is registered as an owner, partner, LLC member or corporate officer in the state of West Virginia.
 - ✓ The authorized representative's signature has been notarized by a Notary Public.
 - ✓ Any additional documentation needed to support the exemption is provided.
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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.