West Virginia Division of Labor Wage Bond Status 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

Not Applicable * (attach a scope of work)

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 #	

Type of Business: Construction \Box Mining \Box Transportation of Minerals \Box

Exemptions Please \checkmark only 1 box. (See back of form for exemptions that require additional verification)
Work performed in West Virginia is limited to single family dwellings and/or family farming enterprises.
Company does not have any employees working within the state of West Virginia.
Company has been in business with employees in the state of West Virginia for a period of one year. *
Company has been in business in another state for a period of five years. *
Company has $100,000.00$ or more in available assets and would like to claim that as an exemption. st
Company is a subsidiary of a parent company that has been in business for more than five years. *
To claim this exemption, enter the name and address of the qualifying parent company below:

Bond Required - Companies that do 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.

\$_____

\$

Total the amounts on Lines 1 & 2 to determine bond amount.

Enter the number of employees working in WV

1	
1,	

(Print Name of Owner, Partner, LLC Member or Corp Officer)

____, as ___

(Enter Title)

(Enter Date)

of the above named business entity understand that it is my responsibility to increase my wage bond whenever my workforce increases and that a failure to maintain an adequate wage bond may result in administrative and/or criminal action.

(Signature of Authorized Representative)

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

(Notary Public Signature)

My commission expires

Form WBA1 Revised July 7, 2017

* Instructions & Privacy Statement on Back/Next Page

Wage Bond Status Reporting

A company that's engaged in construction, mining, or the transportation of minerals within the state of West Virginia must register with the Division of Labor concerning its wage bond status. The completion of a "Wage Bond Status Affidavit" allows a company to register with the Division of Labor by claiming a wage bond exemption, or to declare the number of employees working in West Virginia and the amount of bond required.

Exemptions

Not all companies must post a wage bond. Any company that qualifies for one of the exemptions stated below may claim that exemption by submitting a completed "Status Affidavit". Please note that some exemptions require additional evidence to verify that the company qualifies for the exemption, while others do not. The exemptions listed on the front of the affidavit that may require additional evidence are marked with an asterisk *.

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

- 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.
- Companies that do not have employees physically working in West Virginia.
- Companies that are engaged solely in the construction of single family dwellings and/or family farming enterprises.
- Companies that are a subsidiary of a parent company that is registered with the Division as exempt.
- Out-of-state companies that have maintained one or more of the following licenses or registrations for a period of at least five years.
 - A West Virginia Contractor License.
 - A Business Registration Certificate with the West Virginia State Tax Department.
 - A Corporate Registration with the West Virginia Secretary of State.

Exemptions that MAY require additional evidence or verification to qualify include:

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

Industry Specific Determinations/Exemptions

Companies that wish to obtain an opinion from the Division of Labor that the nature of their work does not fall within the definitions of construction, mining, or the transportation of minerals as defined in §21-5-1 may apply for an exemption by completing a Status Affidavit and checking the box titled as: **"Not Applicable** \checkmark ". All such requests require a complete description or scope of work that's being performed.

Bond Required

Companies that do not qualify for a wage bond exemption and have employees working in West Virginia must post a wage bond with the Division of Labor in the amount of 4 weeks' payroll, plus an additional 15%, at maximum productivity. A completed Status Affidavit must accompany all new wage bonds submitted.

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.