

# West Virginia Wage Payment & Collection Act (WPCA) Jurisdiction & Authority

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## West Virginia Division of Labor Wage & Hour Section

### WPCA Fact Sheet 1 – §21-5-1, §21-5-4 and §42CSR 5-3

(July 2016)

## JURISDICTION & AUTHORITY

With the exception of federal government employees and the employees of federal government contractors, every individual employed by a person, firm, or corporation to perform work within the state of West Virginia is covered under the provisions of the West Virginia Wage Payment & Collection Act.

### Definitions

**Employer** - Any person, firm or corporation employing any employee. §21-5-1(m)

**Firm** - Any partnership, association, joint-stock company, trust, division of a corporation, the administrator or executor of the estate of a deceased individual, or the receiver, trustee, or successor of any of the same, or officer thereof, employing any person. §21-5-1(a)

**Officer** - Any officer or agent in the management of a corporation or firm. §21-5-1(h)

**Employ** - To hire, permit, or suffer to work. §42CSR 5-3.8

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## Special Circumstances & Assessment of Penalties

### West Virginia State Government Employees

Although the employees of the state of West Virginia are covered under the provisions of the WPCA, there are additional laws specific only to state employees that may affect how certain provisions of the Act are applied. Employees of the state of West Virginia should contact the Wage & Hour Section of the Division of Labor for specific information.

### Assessment of Penalties

The Division of Labor does not have the authority to assess or collect the monetary damages prescribed in §21-5-4(e) of the WPCA for the late payment of wages. Any employee that desires to collect liquidated damages must obtain a legal judgement in a court of law.