

# FACT SHEET



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## Remove exemptions to the minimum wage!

### Support:

**HB 338 – Delegate Price**  
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**HB 583 – Delegate Guzman**  
**SB 78 – Senator Howell**  
**SB 804- Senator McClellan**

**Problem:** Many low-income families & individuals struggle to get by on minimum wage. However, Virginia’s state minimum wage law (§ 40.1-28.9) currently exempts 18 categories of workers from the minimum wage. The farmworker and domestic worker exemptions are clearly racist policies, designed to target immigrants and people of color. VICPP urges you to support the following legislation to remove these exemptions.

### Policy Solutions:

#### 1. Remove the domestic worker exemption

Currently, “any person employed in domestic service or in or about a private home or in an eleemosynary institution primarily supported by public funds” is exempt from Virginia’s state minimum wage. Domestic workers do incredibly important work that can be both physically and emotionally demanding.

**HB 338 – Delegate Price (D-95<sup>th</sup>)**  
**SB 804 – Senator McClellan (D-9<sup>th</sup>)**

#### 2. Remove the size of business exemption

Currently, “any person employed by an employer who does not have four or more persons employed at any one time” are exempt from Virginia’s state minimum wage. Family members of the employer

would still remain exempt. Thirty-four states cover all workers regardless of number of employees.

**HB 339 – Delegate Price (D-95<sup>th</sup>)**

#### 3. Remove the farm worker exemption

Currently “any person employed as a farm laborer or farm employee” is exempt from Virginia’s state minimum wage. Farm work is difficult, draining manual labor and about 33 percent of farmworker families live in poverty.

**HB 583 – Delegate Guzman (D-31<sup>st</sup>)**

#### 4. Remove the piece work exemption

Currently, “any person who normally works and is paid based on the amount of work done” is exempt from Virginia’s state minimum wage. Workers could still be paid by the piece but they must make at least the minimum wage. Only one other state (New Mexico) still has this exemption.

**SB 78 – Senator Howell (D-32<sup>nd</sup>)**

A 2019 report by Oxfam America **named Virginia the worst state for workers in the country.**

We can improve this ranking but to do so, we must clean up our state code and ensure that all workers are paid at least the minimum wage.

**It is time that Virginia must remove these exemptions. Everyone deserves to be paid at least minimum wage.**

*Data from Oxfam America, National Domestic Workers Alliance, and Farmworker Justice*