

FACT SHEET

Virginia's Minimum Wage Increases to \$9.50 per hour on May 1, 2021

New Minimum Wage: On May 1, 2021, Virginia's minimum wage increased from \$7.25 per hour to \$9.50 per hour. It is then scheduled to increase to \$11/hr on January 1, 2022 and \$12/hr on January 1, 2023. Future scheduled increases (\$13.50 on January 1, 2025 and \$15 on January 1, 2026) can only go into effect after a study and the bill reenacted before July 1, 2024. (Such a reenactment clause is unusual.) Employers may pay a training wage for the first 90 days of employment at 75 percent of the minimum wage.

Are all workers covered by the increase?

Most workers are covered, but not all. The law specifically says it covers home care providers. The following workers are excluded from the coverage:

- Farm laborers or farm employees.
- Nonprofit or religious volunteers.
- Caddies.
- Traveling salespeople or outside salespeople working on a commission basis.
- Taxicab drivers and operators.
- Any person under the age of 16.
- Anyone under the age of 18 in the employ of a parent or legal guardian and anyone under the age of 18 who is currently enrolled full-time in school and works less than 20 hrs/week.
- Anyone confined in jail or corrective institution.
- Children's summer camp workers.
- Students participating in a bona fide educational program and work-study employees.

- Babysitters working less than 10 hrs/week.
- Au pairs and temporary foreign workers.
- Fishing and sea operations people.
- Other small categories of workers exempted under federal minimum wage law.

What if you are not paid the minimum wage?

First, make sure that you are covered by the minimum wage. Most workers are covered by the law except those listed as exempted.

Next, check your paystub. Virginia law requires that employees receive a paystub that shows the rate of pay and hours worked (if you are paid by the hour or if you earn less than \$684 per week). If you are not getting a paystub, your employer may be violating several laws. If your paystub does not show your pay as at least \$9.50 per hour for any pay period after May 1, you have several options:

- Talk with your employer. Perhaps your employer does not understand the law. Refer the employer to the website of the Department of Labor and Industries (www.doli.virginia.gov). Ask to be paid properly and for the underpayment to be repaid.
- File a complaint with the Department of Labor and Industries.
- Explore legal action. Lawyers can represent you in court if you have a good case. If a lawyer decides to take your case, you will not have to pay the lawyer. Rather, the employer will be required to pay your back wages and the lawyer's fees if you win the case. Find lawyers who do wage and hour cases at www.wagetheftva.org.