

December __, 2014

Mr. John R. Junkins, Acting Commissioner
West Virginia Department of Labor
749 B, Building 6, Capitol Complex
Charleston, WV 25305

RE: Proposed Emergency Rules to Minimum Wage and Maximum Hours Standards Regulations

The (Name of Business or Association) believes the proposed emergency rules on Minimum Wage and Maximum Hours Standards Regulations go far beyond what was authorized in statute by HB 201, passed by the West Virginia Legislature on May 21, 2014. HB 201 authorizes emergency rules to be issued pertaining only to “the amendments” that were passed. These amendments include changes to the definition of employer, change in the tip credit and the increase in the minimum wage and training wages. The proposed emergency rules, however, extend far beyond these topics.

In the short time available to review these rules, the (name of business or association) has found that the proposed emergency rules make changes, all of which deviate from established federal law and state statute, to the following:

- Timeclock Rounding Practices
- Activities Before and After Regular Work
- On Call Time
- Travel Time
- New Definitions
- Meal Breaks
- Preliminary and Postliminary Activities in Preparing for Work
- Compensable Interruptions of Sleep for Employees on Duty for More than 24 Hours
- Definitions of a Bona Fide Sleep Period
- Eradication of Corporate Distinction

Changes to these portions of the Minimum Wage and Maximum Hours Standards Regulations via emergency rules are clearly not authorized in the recently passed HB 201. The (Name of business or association) urges you to consider these comments and make the necessary changes so that any emergency rules clearly match the intent of the statute changed by HB 201.

Sincerely,

