WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6 ☐

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE

AGENCY: West Virginia Human Rights Commission TITLE NUMBER: 77

AMENDMENT TO AN EXISTING RULE: YES ____ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: ____

TITLE OF RULE BEING AMENDED: ____

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 7

TITLE OF RULE BEING PROPOSED: Definition of Employer under the West Virginia Human Rights Act

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) SB 2001

SECTION 64-9-8(b), PASSED ON June 10, 2002

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE FOLLOWING DATE: August 12, 2002

Paul L. Nuckols

Authorized Signature

SCANNED

$2.40

TITLE 77
LEGISLATIVE RULE
WEST VIRGINIA HUMAN RIGHTS COMMISSION

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 7
THE DEFINITION OF EMPLOYER
UNDER THE WEST VIRGINIA HUMAN RIGHTS ACT

§ 77-7-1. General.

1.1. Scope. -- This legislative rule interprets and implements the provisions of the West Virginia Human Rights Act, particularly W. Va. Code § 5-11-3(d) related to the definition of employer, and is to assist all persons in understanding their rights, obligations and duties under the law. The W. Va. Code is available in public libraries and on the Legislature's web page, http://www.legis.state.wv.us/.

1.2. Authority. -- W. Va. Code § 5-11-8(h).

1.3. Filing date. – July 10, 2002.

1.4. Effective date. -- August 12, 2002.

§ 77-7-2. Definition; Manner of Calculating Employees.

2.1. "Employer" means the state, or any political subdivision of the state, and any person employing twelve or more persons within the state for twenty or more calendar weeks in the calendar year in which the act of discrimination allegedly took place or the preceding calendar year: Provided, That such terms shall not be taken, understood or construed to include a private club.

2.2. For purposes of this rule, the number of employees shall be calculated by including all persons with whom the employer has an employment relationship, whether or not the person is performing tasks or receiving compensation from the employer on a particular day. Individuals employed by his or her parent, spouse or child shall not be counted.