



**WEST VIRGINIA SECRETARY OF STATE**

**KRIS WARNER**

**ADMINISTRATIVE LAW DIVISION**

**eFILED**

2/5/2025 4:19:25 PM

Office of West Virginia  
Secretary Of State

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

AGENCY: Office of the Inspector General TITLE-SERIES: 71-07  
RULE TYPE: Legislative Amendment to Existing Rule: No Repeal of existing rule: No  
RULE NAME: The Definition of Employer under the West  
Virginia Human Rights Act  
CITE STATUTORY AUTHORITY: W. Va. Code §16B-17-8(h)

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB300

Section W. Va. Code 16B-1-1 Passed On 2/8/2024 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

February 5, 2025

This rule shall terminate and have no further force or effect from the following date:

August 01, 2030

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

**Yes**

**Jessica Y Whitmore -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.**

71CSR7

TITLE 71  
LEGISLATIVE RULE  
OFFICE OF INSPECTOR GENERAL

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

**§71-7-1. General.**

1.1. Scope. -- This legislative rule interprets and implements the provisions of the West Virginia Human Rights Act, particularly W. Va. Code §16B-17-3(d) related to the definition of employer, and is to assist all persons in understanding their rights, obligations, and duties under the law. The West Virginia Code is available in public libraries and on the Legislature's web page, <http://www.wvlegislature.gov>.

1.2. Authority. -- W. Va. Code §16B-17-8(h).

1.3. Filing Date. -- February 5, 2025.

1.4. Effective Date. -- February 5, 2025.

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect on August 1, 2030.

**§71-7-2. Definitions; Manner of Calculating.**

2.1. "Employer" mean the state, or any political subdivision of the state, and any person employing 12 or more persons within the state for 20 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.