

**TITLE 77
LEGISLATIVE RULE
WEST VIRGINIA HUMAN RIGHTS COMMISSION**

**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 (12) or more persons within the state for twenty (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.