

## ■ WEST VIRGINIA HUMAN RIGHTS ACT

**TERMS:** Farm operators and most other employers who have 12 or more workers in West Virginia for 20 or more weeks in the current or preceding calendar year are generally prohibited from:

- (1) Discriminating against a person with respect to hiring, compensation and other terms and conditions of employment, when the person is able and competent to perform the job and when discrimination is on grounds of race, religion, color, national origin, ancestry, sex, age (40 or over), blindness, or disability.
- (2) Requesting pre-employment information, using any form of job application, or circulating any employment notice, indicating a preference or discrimination with respect to race, religion, color, national origin, ancestry, sex or age.

Employment agencies and labor organizations are subject to similar prohibitions against discrimination.

*Exceptions* — Pension, retirement, insurance or welfare benefit plans are not considered discriminatory as long as they are not used as a way to get around the law's anti-discrimination purposes. Likewise, hiring or any other employment decision that recognizes a person's race, religion, color, national origin, ancestry, sex, age, blindness, or disability does not necessarily violate the law, provided such a decision is based on a bona fide occupational qualification.

**ENFORCEMENT:** *West Virginia Human Rights Commission, Charleston, West Virginia 25301 (304-558-2616; toll-free 888-676-5546).* A worker who has been affected by an act of employment discrimination may file a complaint with the Commission at any time within 365 days after the act occurred.

If the Commission fails to take action on a complaint within certain timeframes, or if a complaint is not resolved to the worker's satisfaction, the worker may request a right-to-sue letter from the Commission, permitting legal action against the employer in court, using a private attorney or public legal service provider. A lawsuit must be filed within 90 days of issuance of the letter, or within 2 years after the alleged act occurred, whichever is later.

**SPECIAL NOTE:** An employer may not fire, discipline or discriminate in any manner against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.