

FACT SHEET



Pay Laws for Virginia Employees

Minimum Wage

Virginia's minimum wage as of 2023 is \$12.00 per hour. Your paystub reports an hourly wage equal to or higher than the state minimum (\$2.13/hour for Tipped Employees*, \$12.00/hour for Non-Tipped Employees for the period between 2023 and 2025).

- From 1 January 2025 to 1 January 2026 the minimum wage will be \$13.50 per hour.
- From 1 January 2026 to 1 January 2027 the minimum wage will be \$15.00 per hour.

Tipped worker status

If you get tips as a normal part of your income, your minimum wage is still the state minimum wage. However, the employer is required to pay at least \$2.13 per hour, and if your tips don't make it to minimum wage, the employer has to fill in the gap. Similar to other workers, for overtime they must be paid at least the state minimum overtime wage of \$16.50 per hour, and if tips don't make up the difference, the employer must provide the gap. Tips earned are credited toward the rate of pay.

Pay Stub Requirement

All employers are required to provide a pay stub, either by a physical stub or document or through an online account. This pay stub must include:

- employer's name/address
- a number of hours worked during the pay period *(If you suspect your employer is not paying you for all hours worked, it's helpful to keep a log of your own hours.)*
- rate of pay (per hour or per pay period for salaried employees)
- gross wages earned by the employee during the pay period
- amount/purpose of any deductions *(This includes taxes. However, some employers add*

extra deductions, which are against the law unless you have agreed to them.)

Virginia Overtime Law

Virginia law requires employers to pay "non-exempt" workers an overtime rate of 1.5 times the regular rate of pay for hours worked beyond 40 hours per week. This is sometimes called an "overtime premium." Most hourly workers and many salaried workers are covered by this law.

Are all workers covered?

Minimum Wage: There are a few exemptions, most notably farmworkers, golf caddies, camp counselors, and youth workers. A full list can be found in the [Virginia Minimum Wage Act § 40.1-28.9](#).

Overtime: Virginia's law has limited exemptions for executives, officers, and administrators, as well as certain bona fide professionals, seasonal recreational workers, certain farm workers, and certain domestic service workers (such as nannies). For a complete list of exemptions, please review the exemptions listed under U.S.C.213(a) located [here](#).

Do I get paid breaks?

No. Unfortunately, workers in Virginia are not required to have breaks paid for by the employer. There is also no requirement for paid time off or paid sick days.

What do I do if my employer is failing to meet any of the above obligations?

Call the Virginia Department of Labor & Industry at (804) 786-2706 or fill out a complaint form [here](#). You can also find more information, connect with a lawyer, and reach out to us with a complaint at www.wagetheftva.org.