



Virginia Department of Labor and Industry

Division of Labor and Employment Law

Minimum Wage Increases to **\$12.00 per hour** Effective January 1, 2023

Tipped Employees

Tipped employees (those who regularly receive more than \$30.00 a month in tips) may be paid at the tipped minimum wage of \$2.13 per hour.

However, an employee's hourly wages plus tips **must** meet the Virginia minimum wage rate of \$12.00 per hour. If they do not, an employer **must** pay the difference to an employee so that they earn **at least** \$12.00 per hour.

The Virginia Minimum Wage Act **does not** exempt employees based on the size of their employer. Employees of "small" businesses generally **must** be paid at a rate of no less than \$12.00 per hour.

Employees previously exempt from minimum wage coverage **may now be covered under the Virginia Minimum Wage Act.**

These include:

- ◆ **Domestic Service Employees** - Employees who perform services related to the care of an individual in a private home or the maintenance of a private home or its premises.
 - ◇ May be on a permanent or temporary basis
 - ◇ Includes services such as companions, cooks, waiters, butlers, maids, valets, and chauffeurs
- ◆ **Home care providers**
- ◆ **Babysitters** who work more than 10 hours per week

For More Information, please visit :

- ◆ Virginia Minimum Wage Act - Definitions & Exemptions: <http://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.9/>
- ◆ Virginia Minimum Wage Act - Rates: <http://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-28.10/>
- ◆ Fair Labor Standards Act: <https://www.law.cornell.edu/uscode/text/29/chapter-8>

Questions?

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