

West Virginia State Law Update
All laws can be accessed online at
<http://129.71.164.29/WVCODE/masterfrm3Banner.cfm>.

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Contact information regarding these laws:
Legislative Reference and Information Center
1900 Kanawha Blvd., E
Charleston, WV 25305
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Phone: (304) 347-4836
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Website: <http://www.legis.state.wv.us/legishp.html>

1. Unemployment Compensation

Website: <http://www.wvbep.org/bep/>

WEST VIRGINIA Unemployment Compensation State law provides that an employee may be disqualified from receiving unemployment compensation benefits if he or she is discharged for misconduct for reporting to work in an intoxicated condition, being intoxicated while at work, for reporting to work under the influence of any controlled substance, or for being under the influence of any controlled substance while at work. W. Va. Code §21A-6-3(2) (2003).

2. Workers' Compensation

WEST VIRGINIA Workers' Compensation State law denies workers' compensation benefits to an employee or his dependent if the employee's injury or death was due to intoxication. Further, upon the occurrence of an injury which the employee asserts, or which reasonably appears to have occurred in the course of and resulting from the employee's employment, the employer may require the employee to undergo a blood test for the purpose of determining the existence or nonexistence of evidence of intoxication pursuant to rules for the administration of the test promulgated by the board of managers. The employer must have a reasonable and good faith objective suspicion of the employee's intoxication and may only test for the purpose of determining whether the person is intoxicated. W. Va. Code § 23-4-2(a) (2003).

Contact Information:
West Virginia Workers' Compensation Commission
4700 MacCorkle Ave. S.E.
Charleston, WV 25304
Phone: (888) 4-WV-Comp (888-498-2667)
Website: <http://www.wv.gov/OffSite.aspx?u=http://mhst.wvlink.com>

3. Surface Mine Inspector Ineligibility

A surface mine inspector, after having received a permanent appointment, shall be removed from office only for physical or mental impairment, incompetence, neglect of duty, drunkenness, malfeasance in office, or other good cause. W. Va. Code §22A-1-13 (2003).

4. Medical Examination Costs

West Virginia law states that it is unlawful for any employer to require any employee or applicant for employment to pay the cost of a medical examination as a condition of employment. W. Va. Code §21-3-17 (c) (2003).