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Senate Bill No. 175

(By Senators Carmichael and Wells)

[Introduced February 15, 2013; referred to the Committee on Labor; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to extending the period that wages must be paid after termination.

Be it enacted by the Legislature of West Virginia:

That §21-5-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-4. Cash orders; employees separated from payroll before paydays.

(a) In lieu of lawful money of the United States, any person, firm or corporation may compensate employees for services by cash order which may include checks or money orders on banks convenient to the place of employment where suitable arrangements have been made for the cashing of such checks by employees for the full

1 amount of wages.

2 (b) Whenever a person, firm or corporation discharges an
3 employee, such person, firm or corporation shall pay the employee's
4 wages in full within ~~seventy-two hours~~ thirty days.

5 (c) Whenever an employee quits or resigns, the person, firm or
6 corporation shall pay the employee's wages no later than the next
7 regular payday, either through the regular pay channels or by mail
8 if requested by the employee, except that if the employee gives at
9 least one pay period's notice of intention to quit the person, firm
10 or corporation shall pay all wages earned by the employee at the
11 time of quitting.

12 (d) When work of any employee is suspended as a result of a
13 labor dispute, or when an employee for any reason whatsoever is
14 laid off, the person, firm or corporation shall pay in full to such
15 employee not later than the next regular payday, either through the
16 regular pay channels or by mail if requested by the employee, wages
17 earned at the time of suspension or layoff.

18 (e) If a person, firm or corporation fails to pay an employee
19 wages as required under this section, such person, firm or
20 corporation shall, in addition to the amount which was unpaid when
21 due, be liable to the employee for three times that unpaid amount
22 as liquidated damages. Every employee shall have such lien and all
23 other rights and remedies for the protection and enforcement of
24 such salary or wages, as he or she would have been entitled to had

1 he or she rendered service therefor in the manner as last employed;
2 except that, for the purpose of such liquidated damages, such
3 failure shall not be deemed to continue after the date of the
4 filing of a petition in bankruptcy with respect to the employer if
5 he or she is adjudicated bankrupt upon such petition.

NOTE: The purpose of this bill is to extend the period during which an employer must pay the wages of a terminated employee from seventy-two hours to thirty days.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.