1	Senate Bill No. 355
2	(By Senators Kessler (Mr. President) and M. Hall,
3	By Request of the Executive)
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5	[Introduced February 22, 2013; referred to the Committee on
6	Labor; and then to the Committee on the Judiciary.]
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LΟ	A BILL to amend and reenact \$21-5-4 of the Code of West Virginia,
L1	1931, as amended, relating to the time final wages are
L2	required to be paid to discharged employees; authorizing
L3	payment by mail if requested by the employee; providing that
L 4	employers pay an employee all wages he or she earned at the
L 5	time of quitting if the employee gives written notice of his
L 6	or her intention to quit at least one pay period before
L 7	quitting; and making other technical changes.
L 8	Be it enacted by the Legislature of West Virginia:
L 9	That §21-5-4 of the Code of West Virginia, 1931, as amended,
20	be amended and reenacted to read as follows:
21	ARTICLE 5. WAGE PAYMENT AND COLLECTION.
22	§21-5-4. Cash orders; employees separated from payroll before
23	paydays.

2 firm or corporation may compensate employees for services by cash 3 order which may include checks or money orders on banks convenient 4 to the place of employment where suitable arrangements have been

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(a) In lieu of lawful money of the United States, any person,

- 5 made for the cashing of such the checks by employees for the full 6 amount of wages.
- 7 (b) Whenever a person, firm or corporation discharges an 8 employee, such the person, firm or corporation shall pay the 9 employee's wages in full within seventy-two hours no later than the 10 next regular payday. Payment shall be made through the regular pay 11 channels or, if requested by the employee, by mail.
- (c) Whenever an employee quits or resigns, the person, firm or corporation shall pay the employee's wages <u>in full</u> no later than the next regular payday. <u>Payment shall be made either</u> through the regular pay channels or, <u>by mail</u> if requested by the employee, <u>by mail</u>. <u>However</u>, <u>except that</u> if the employee gives at least one pay period's <u>written</u> notice of intention to quit, the person, firm or corporation shall pay all wages earned by the employee at the time of quitting.
- 20 (d) When work of any employee is suspended as a result of a 21 labor dispute, or when an employee for any reason whatsoever is 22 laid off, the person, firm or corporation shall pay in full to such 23 the employee not later than the next regular payday, either through

- 1 the regular pay channels or by mail if requested by the employee,
- $2\ \mbox{wages}$ earned at the time of suspension or layoff.
- 4 wages as required under this section, such the person, firm or corporation, shall in addition to the amount which was unpaid when 6 due, be is liable to the employee for three times that unpaid 7 amount as liquidated damages. Every employee shall have such a 8 lien and all other rights and remedies for the protection and 9 enforcement of such his or her salary or wages, as he or she would 10 have been entitled to had he or she rendered service therefor in 11 the manner as last employed; except that, for the purpose of such 12 liquidated damages, such the failure shall not be deemed to 13 continue after the date of the filing of a petition in bankruptcy 14 with respect to the employer if he or she is adjudicated bankrupt 15 upon such the petition.

NOTE: The purpose of this bill is to require final payment of wages of discharged employees no later than the next regular payday. Payment may be made through regular means or by mail. An employee may also provide written notice of intention to quit at least one pay period before quitting to receive all wages he or she earned at the time of quitting.

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