

**H. B. 2162**

(By Delegate Storch, Nelson, E., Howell, Pasdon, Gearheart, Ellington, Householder, Lane,  
Shott, Cowles and Anderson)

[Introduced January 21, 2015; referred to the  
Committee on the Judiciary then Finance.]

A BILL to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to  
payment of employees separated from payroll before paydays; providing that employees who  
provide one pay period’s notice of intention to end his or her employment be paid within the  
next payroll cycle; and making stylistic changes.

*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

1 cashing of ~~such~~ checks by employees for the full amount of wages.

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

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

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

13 (e) If a person, firm or corporation fails to pay an employee wages as required under this  
14 section, ~~such~~ the person, firm or corporation shall, in addition to the amount which was unpaid when  
15 due, be liable to the employee for three times that unpaid amount as liquidated damages. Every  
16 employee shall have such lien and all other rights and remedies for the protection and enforcement  
17 of such salary or wages, as he or she would have been entitled to had he or she rendered service  
18 therefor in the manner as last employed; except that, for the purpose of such liquidated damages,  
19 such failure shall not be deemed to continue after the date of the filing of a petition in bankruptcy  
20 with respect to the employer if he or she is adjudicated bankrupt upon such petition.

NOTE: The purpose of this bill is to allow employers to pay all wages earned by an

employee within the next payroll cycle, rather than at the time of quitting, if the employee quits or resigns, but has given at least one pay period's notice of intention to quit.

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