

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 639**

BY SENATOR TRUMP

[Introduced March 17, 2017; Referred  
to the Committee on the Judiciary]

1 A BILL to amend and reenact §21-5-1 of the Code of West Virginia, 1931, as amended, relating  
 2 to authorized deductions for health care insurance; and expanding the types of insurance  
 3 listed in the term deductions under the Wage Payment and Collection Act.

*Be it enacted by the Legislature of West Virginia:*

1 That §21-5-1 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
 2 to read as follows:

**ARTICLE 5. WAGE PAYMENT AND COLLECTION.**

**§21-5-1. Definitions.**

1 As used in this article:

2 (a) The term "firm" includes any partnership, association, joint-stock company, trust,  
 3 division of a corporation, the administrator or executor of the estate of a deceased individual, or  
 4 the receiver, trustee or successor of any of the same, or officer thereof, employing any person.

5 (b) The term "employee" or "employees" includes any person suffered or permitted to work  
 6 by a person, firm or corporation.

7 (c) The term "wages" means compensation for labor or services rendered by an employee,  
 8 whether the amount is determined on a time, task, piece, commission or other basis of calculation.

9 As used in sections four, five, eight-a, ten and twelve of this article, the term "wages" shall also  
 10 include then accrued fringe benefits capable of calculation and payable directly to an employee:

11 *Provided,* That nothing herein contained shall require fringe benefits to be calculated contrary to  
 12 any agreement between an employer and his or her employees which does not contradict the  
 13 provisions of this article.

14 (d) The term "commissioner" means Commissioner of Labor or his or her designated  
 15 representative.

16 (e) The term "railroad company" includes any firm or corporation engaged primarily in the  
 17 business of transportation by rail.

18 (f) The term "special agreement" means an arrangement filed with and approved by the

19 commissioner whereby a person, firm or corporation is permitted upon a compelling showing of  
20 good cause to establish regular paydays less frequently than once in every two weeks: *Provided*,  
21 That in no event shall the employee be paid in full less frequently than once each calendar month  
22 on a regularly established schedule.

23 (g) The term "deductions" includes amounts required by law to be withheld, and amounts  
24 authorized for union or club dues, pension plans, payroll savings plans, credit unions, charities  
25 and ~~hospitalization and medical~~ health care and other insurance, including, but not limited to,  
26 hospitalization, medical, health, vision, dental and life insurance.

27 (h) The term "officer" shall include officers or agents in the management of a corporation  
28 or firm who knowingly permit the corporation or firm to violate the provisions of this article.

29 (i) The term "wages due" shall include at least all wages earned up to and including the  
30 twelfth day immediately preceding the regular payday.

31 (j) The term "construction" means the furnishing of work in the fulfillment of a contract for  
32 the construction, alteration, decoration, painting or improvement of a new or existing building,  
33 structure, roadway or pipeline, or any part thereof, or for the alteration, improvement or  
34 development of real property: *Provided*, That construction performed for the owner or lessee of a  
35 single family dwelling or a family farming enterprise is excluded.

36 (k) The term "minerals" means clay, coal, flagstone, gravel, limestone, manganese, sand,  
37 sandstone, shale, iron ore and any other metallurgical ore.

38 (l) The term "fringe benefits" means any benefit provided an employee or group of  
39 employees by an employer, or which is required by law, and includes regular vacation, graduated  
40 vacation, floating vacation, holidays, sick leave, personal leave, production incentive bonuses,  
41 sickness and accident benefits and benefits relating to medical and pension coverage.

42 (m) The term "employer" means any person, firm or corporation employing any employee.

43 (n) The term "doing business in this state" means having employees actively engaged in  
44 the intended principal activity of the person, firm or corporation in West Virginia.

NOTE: The purpose of this bill is to expand the definition of deductions under the Wage Payment and Collection Act to include different types of insurance coverage from the current list.

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