

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**H. B. 2839**

(By Delegates Storch, McCuskey, E. Nelson, Andes, Craig,  
Pasdon, Raines, Skaff and White)

[Introduced March 6, 2013; 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; making stylistic changes; and  
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.

*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

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

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

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

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

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

1 such salary or wages, as he or she would have been entitled to had  
2 he or she rendered service therefor in the manner as last employed;  
3 except that, for the purpose of such liquidated damages, such  
4 failure shall not be deemed to continue after the date of the  
5 filing of a petition in bankruptcy with respect to the employer if  
6 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.