WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

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ENROLLED

Committee Substitute for
SENATE BILL NO. 99

(By Mr. Huffman)

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PASSED March 10, 1979

In Effect ninety days from Passage
AN ACT to amend article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section twenty-two; to amend and reenact section nineteen, article three, chapter twelve of said code; and to amend and reenact section three, article five, chapter twenty-one of said code, all relating to the direct deposit of certain governmental employees' compensation into designated accounts in financial institutions; prohibiting general orders for payrolls; providing certain exceptions with respect to such prohibition; and relating to payment of wages by employers other than railroads and to assignments of wages.

Be it enacted by the Legislature of West Virginia:

That article seven, chapter seven of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section twenty-two; that section nineteen, article three, chapter twelve of said code be amended and reenacted; and that section three, article five, chapter twenty-one of said code be amended and reenacted, all to read as follows:
CHAPTER 7. COUNTY COURTS AND OFFICERS.

ARTICLE 7. TRAINING PROGRAMS FOR COUNTY EMPLOYEES, ETC.; COMPENSATION OF ELECTED COUNTY OFFICIALS; COUNTY ASSISTANTS, DEPUTIES AND EMPLOYEES, THEIR NUMBER AND COMPENSATION.

§7-7-22. Direct deposit of county officials' and employees' compensation into designated accounts in financial institutions.

1 Notwithstanding any other provision of this article, a county commission, board of education, or governing body of a municipal corporation may, upon the written request of any of their respective employees, deposit that employee's compensation directly into a demand or time account in a bank, credit union, or savings and loan institution. The written request shall specifically identify the employee, the financial institution, the type of account and the account number.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 3. APPROPRIATIONS AND EXPENDITURES.

§12-3-19. General order by county commission, board of education or governing body of a municipal corporation prohibited.

1 It shall be unlawful for any county commission, board of education or the governing body of a municipal corporation, or other body charged with the administration of the fiscal affairs of any county, school district, independent school district or municipality, to issue any general order for a payroll, or to any person to be disbursed or distributed by him to those who have performed the services or furnished the materials for which payment is to be made, but in all such cases the order shall be made payable to the persons lawfully entitled to such payment: Provided, That a county commission, board of education or governing body of a municipal corporation may, upon the written request of any of their respective employees, issue a general order for a payroll to a bank, credit union, or savings and loan institution for deposit to that employee’s demand or time account.
The written request shall specifically identify the employee, the financial institution, the type of account and the account number.

CHAPTER 21. LABOR.

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

§21-5-3. Payment of wages by employers other than railroads; assignments of wages.

Every person, firm or corporation doing business in this state, except railroad companies as provided in section one of this article, shall settle with its employees at least once in every two weeks, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services in lawful money of the United States, or by the cash order as described and required in the next succeeding section of this article or by any method of depositing immediately available funds in an employee's demand or time account in a bank, credit union or savings and loan institution that may be agreed upon in writing between the employee and such person, firm or corporation, which agreement shall specifically identify the employee, the financial institution, the type of account and the account number: Provided, That nothing herein contained shall be construed in a manner to require any person, firm or corporation to pay employees by depositing funds in a financial institution: Provided further, That if, at any time of payment, any employee shall be absent from his regular place of labor and shall not receive his wages through a duly authorized representative, he shall be entitled to such payment at any time thereafter upon demand upon the proper paymaster at the place where such wages are usually paid and where the next pay is due.

Nothing herein contained shall affect the right of an employee to assign part of his claim against his employer except as hereinafter provided.

No assignment of or order for future wages shall be valid for a period exceeding one year from the date of such assignment or order. Such assignment or order shall
be acknowledged by the party making the same before 
a notary public or other officer authorized to take 
acknowledgments, and such order or assignment shall 
specify thereon the total amount due and collectible by 
virtue of the same and three fourths of the periodical 
earnings or wages of the assignor shall at all times be 
exempt from such assignment or order and no assignment 
or order shall be valid which does not so state upon its 
face: Provided further, That no such order or assignment 
shall be valid unless the written acceptance of the em-
ployer of the assignor to the making thereof, is endorsed 
thereon: Provided further, That nothing herein contained 
shall be construed as affecting the right of employer and 
employees to agree between themselves as to deductions 
to be made from the payroll of employees: And provided 
further, That nothing herein contained shall be construed 
as affecting the right of teachers who have elected to 
become members of a county teachers' retirement system, 
as permitted by section two, article seven-a, chapter 
three-six, acts of the Legislature of West Virginia, regular 
session, one thousand nine hundred forty-one, to make 
assignments of or orders for future wages to such systems 
for periods coextensive with the term of their contracts 
of employment.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence L. Chadwick  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

J.C. Rollings  
Clerk of the Senate

Clerk of the House of Delegates

P.H. Godbey  
President of the Senate

Speaker House of Delegates

The within is approved this the 20th day of March, 1979.

John D. Rockefeller, Jr.  
Governor