WEST VIRGINIA LEGISLATURE
EIGHTY-FIRST LEGISLATURE
REGULAR SESSION, 2013

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 355

(SENATORS KESSLER (MR. PRESIDENT) AND M. HALL,
BY REQUEST OF THE EXECUTIVE)

[PASSED APRIL 13, 2013; IN EFFECT NINETY DAYS FROM PASSAGE.]
AN ACT to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to the time final wages are required to be paid to discharged employees; authorizing payment by mail if requested by the employee; providing that employers pay an employee all wages he or she earned at the time of quitting if the employee gives written notice of his or her intention to quit at least one pay period before quitting; defining “business day”; and making other technical 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 cashing
of the checks by employees for the full amount of wages.

(b) Whenever a person, firm or corporation discharges an
employee, the person, firm or corporation shall pay the
employee's wages in full no later than the next regular
payday or four business days, whichever comes first.
Payment shall be made through the regular pay channels or,
if requested by the employee, by mail. For purposes of this
section, "business day" means any day other than Saturday,
Sunday or any legal holiday as set forth in section one, article
two, chapter two of this code.

c) Whenever an employee quits or resigns, the person,
firm or corporation shall pay the employee's wages in full no
later than the next regular payday. Payment shall be made
through the regular pay channels or, if requested by the
employee, by mail. However, if the employee gives at least
one pay period's written notice of intention to quit, the
person, firm or corporation shall pay all wages earned by the
employee at the time of quitting.

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

e) If a person, firm or corporation fails to pay an
employee wages as required under this section, the person,
firm or corporation, in addition to the amount which was
unpaid when due, is liable to the employee for three times
that unpaid amount as liquidated damages. Every employee
shall have a lien and all other rights and remedies for the
protection and enforcement of his or her salary or wages, as he or she would have been entitled to had he or she rendered service therefor in the manner as last employed; except that, for the purpose of liquidated damages, the failure shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect to the employer if he or she is adjudicated bankrupt upon the petition.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Member

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within was approved this the 29th Day of April, 2013.

Governor
PRESENTED TO THE GOVERNOR

APR 25 2013

Time 10:45 AM