WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015

ENROLLED

Senate Bill No. 318

(By Senators Trump, Karnes, Carmichael and Blair)

[Passed March 14, 2015; in effect ninety days from passage.]
AN ACT to amend and reenact §21-5-3 of the Code of West Virginia, 1931, as amended, relating to payment of wages by employers; and authorizing payment of employees twice a month.

Be it enacted by the Legislature of West Virginia:

That §21-5-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5. WAGE PAYMENT AND COLLECTION.

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

(a) 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 twice every month and with no more than nineteen days between settlements, unless otherwise provided by special agreement, and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.
(b) Payment required in subsection (a) of this section shall be made:

1. In lawful money of the United States;

2. By cash order as described and required in section four of this article;

3. By deposit or electronic transfer of immediately available funds into an employee’s payroll card account in a federally insured depository institution. The term “payroll card account” means an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee’s wages, salary, commissions or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third-party payroll processor, a depository institution or another person. “Payroll card” means a card, code or combination thereof or other means of access to an employee’s payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments. Payment of employee compensation by means of a payroll card must be agreed upon in writing by both the person, firm or corporation paying the compensation and the person being compensated; or

4. 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.

(c) If, at any time of payment, any employee shall be
absent from his or her regular place of labor and shall not
receive his or her wages through a duly authorized
representative, he or she shall be entitled to payment at any
time thereafter upon demand upon the proper paymaster at
the place where his or her wages are usually paid and where
the next pay is due.

(d) Nothing herein contained shall affect the right of an
employee to assign part of his or her claim against his or her
employer except as in subsection (e) of this section.

(e) No assignment of or order for future wages shall be
valid for a period exceeding one year from the date of the
assignment or order. An assignment or order shall be
acknowledged by the party making the same before a notary
public or other officer authorized to take acknowledgments,
and any 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, That no such order or
assignment shall be valid unless the written acceptance of the
employer of the assignor to the making thereof is endorsed
thereon: Provided, however, 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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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 is approved this the 24th day of March, 2015.

Governor
PRESENTED TO THE GOVERNOR

MAR 20 2015

Time 4:05 pm