

1 **Senate Bill No. 102**

2 (By Senator Carmichael)

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4 [Introduced January 14, 2015; referred to the Committee on the Judiciary.]  
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9 A BILL to amend and reenact §21-5-4 of the Code of West Virginia, 1931, as amended, relating to  
10 extending period that wages must be paid after termination.

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

12 That §21-5-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
13 to read as follows:

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

15 **§21-5-4. Cash orders; employees separated from payroll before paydays.**

16 (a) In lieu of lawful money of the United States, any person, firm or corporation may  
17 compensate employees for services by cash order which may include checks or money orders on  
18 banks convenient to the place of employment where suitable arrangements have been made for the  
19 cashing of the checks by employees for the full amount of wages.

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

1           (c) Whenever an employee quits or resigns, the person, firm or corporation shall pay the  
2 employee's wages no later than the next regular payday, either through the regular pay channels or  
3 by mail if requested by the employee, except that if the employee gives at least one pay period's  
4 notice of intention to quit the person, firm or corporation shall pay all wages earned by the employee  
5 at the time of quitting.

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

10          (e) If a person, firm or corporation fails to pay an employee wages as required under this  
11 section, the person, firm or corporation shall, in addition to the amount which was unpaid when due,  
12 be liable to the employee for three times that unpaid amount as liquidated damages. Every employee  
13 shall have a lien and all other rights and remedies for the protection and enforcement of his or her  
14 salary or wages, as he or she would have been entitled to had he or she rendered service therefor in  
15 the manner as last employed; except that, for the purpose of such liquidated damages, such failure  
16 shall not be deemed to continue after the date of the filing of a petition in bankruptcy with respect  
17 to the employer if he or she is adjudicated bankrupt upon the petition.

NOTE: The purpose of this bill is to extend the period during which an employer must pay the wages of a terminated employee from seventy-two hours to thirty days.

Strike-throughs indicate language that would be stricken from the present law, and

underscoring indicates new language that would be added.