

Wage Payment & Collection (WPCA) Acceptable Methods for Meeting Payroll

West Virginia Division of Labor

Wage & Hour Section

WPCA Fact Sheet 4 – §21-5-3 and §21-5-4

(June 2024)

ACCEPTABLE METHODS FOR MEETING PAYROLL

Every person, firm, or corporation doing business in this state, except railroad companies, shall settle with its employees at least twice every month, with no more than nineteen days in between settlements, and pay them the wages due for their work or services. §21-5-3(a)

Payment required of this section shall be made:

1. In lawful money of the United States. §21-5-3(b)(1)
2. By check or money order. §21-5-3(b)(2)
3. By deposit or electronic transfer of immediately available funds into an employee's payroll card account in a federally insured depository institution. §21-5-3(b)(3)
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. §21-5-3(b)(4)

§21-5-4(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, direct deposits, payroll cards, or money orders drawn on banks convenient to the place of employment where suitable arrangements have been made for the cashing of checks or the deposit of funds for employees for the full amount of wages.

Additional Requirements & Definitions

Payroll Card Accounts

A payroll card is defined as 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. §21-5-3(i)(1)

A payroll card account is defined as 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 person payroll processor, a depository institution, or another person. §21-5-3(i)(2)

Disclosure of Fees Required

An employer who compensates an employee using a payroll card must provide full written disclosure of any applicable fees associated with the payroll card. §21-5-3(b)(3)

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Additional Employer Responsibilities

An employer who compensates an employee using a payroll card must ensure that the employee has the ability to make at least one withdrawal or transfer from the payroll card per pay period without cost or fee and the ability to make in-network withdrawals or transfers from the payroll card without cost or fee. §21-5-3(b)(3)