

Wage Payment & Collection (WPCA) Employer Requirements for Meeting Payroll

West Virginia Division of Labor
Wage & Hour Section

WPCA Fact Sheet 2 – Meeting Payroll §21-5-3, §21-5-9, §42CSR 5-3 and §42CSR 5-4
(July 2016)

REQUIREMENTS 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 and with no more than nineteen days between settlements (paydays) and pay them the wages due, less authorized deductions and authorized wage assignments, for their work or services.

Establishing a Work Week / Pay Period / Date of Payment

An employer shall establish a workweek, a pay period, and a date for paying wages and then notify employees of such terms in writing or by posted notice in an area that is accessible to all employees.

§42CSR 5-4.1

Definitions

- **Work week** is a regular recurring period of 168 hours made up of 7 consecutive days. §42CSR 5-3.18
- **Pay period** is the scheduled number of days for which an employee is paid, which may or may not coincide with the actual payday. §42CSR 5-3.14
- **Wages due** includes all wages and fringe benefits accrued, if any, that are owed to an employee for all hours the employee is permitted, required, or suffered to work up to and including the twelfth day immediately preceding the employer's regular pay day. §42CSR 5-3.17

Compliance Summary

An employer is considered in compliance with these requirements if payroll is met at least twice a month with no more than nineteen days in between, has established a seven consecutive day workweek and a pay period identifying the number of days for which employees will be paid, and pays all wages earned up to and including the twelfth day prior to the actual payday.

Employee Notification Requirements

An employer must notify employees in writing at the time of hire of the day, hour, and place of payment of wages. Any changes made to those arrangements require written notice to the employees at least one full pay period prior to the effective date of the change. §21-5-9(1) & §42CSR 5-4.2