

Wage Payment & Collection (WPCA) Employer Notification Requirements

West Virginia Division of Labor
Wage & Hour Section

WPCA Fact Sheet 3 – §21-5-9 AND §42CSR 5-4

(July 2016)

EMPLOYER NOTIFICATION REQUIREMENTS

Every employer shall:

- Notify employees in writing at the time of hire relating to their rate of pay, and the day, hour and place of payment. §21-5-9(1)
- Notify employees in writing, or through a posted notice maintained in a place accessible to his employees, of any changes in the arrangements specified above prior to the time of such changes. §21-5-9(2)
- Make available to employees, in writing or through a posted notice maintained in a place accessible to employees, employment practices and policies with regard to vacation pay, sick leave, and comparable matters. §21-5-9(3)
- Furnish each employee with an itemized statement of deductions made from his or her wages for each pay period such deductions are made. §21-5-9(4)
- When an employer changes an employee's rate of pay, pay period, place or method of payment, time of payment, or any other term of employment, the employer shall furnish a written notice to the affected employee at least 1 full pay period prior to the effective date of the change. §42CSR 5-4.2
- Shall keep posted in a place accessible to all employees an abstract (poster) of the West Virginia Wage Payment and Collection law prepared and provided by the Commissioner. §42CSR 5-4.3

Effect of Non Compliance

Advance Notice of Reduced Wages

Should an employer fail to provide an employee with an advance pay period's notice of any reduction in rate of pay or salary amount, the employer will be responsible for reimbursing the employee for the amount of the reduction taken on the initial paycheck in which the reduction was reported.

Advance Notice of Employee Benefit Policy Changes

If an employer fails to provide all affected employees with an advance pay period's written notice of any change made to an existing benefit policy, that employer will be held to the terms and conditions of the original policy until such proper notice is given.