PROCEDURES FOR PAYING A DECEASED EMPLOYEE’S FINAL WAGES

In the event of the death of an employee, up to eight hundred dollars of final wages may be paid directly to the decedent’s next-of-kin outside of probate proceedings. The amount of wages paid to the decedent’s next-of-kin shall release and discharge the employer as to that amount of wages owed to the decedent.

The order of preference in regard to the decedent’s next-of-kin is as follows:

1.) Surviving Spouse.
2.) Children eighteen years of age and over in equal shares.
3.) Father and mother, or survivor.
4.) Sisters and brothers.
5.) The person who pays the funeral expenses.

Wages Owed in Excess of $800.00

The West Virginia Wage Payment and Collect Act only addresses the direct payment of final wages to a decedent’s next-of-kin up to the amount of $800.00. Any wages owed in excess of that amount are to be paid to the decedent’s estate.

Any questions relating to an employer’s responsibilities concerning the payment of a deceased employee’s wages in excess of $800.00 should be addressed to an attorney or the office of the county fiduciary.