

Change to Virginia Wage Payment Statements on the Horizon

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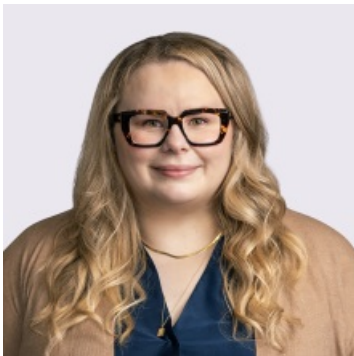
July 22, 2019

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Wage and Hour

Beginning January 1, 2020, employers in Virginia must provide paystubs to employees on “each regular pay date.”

Currently, Virginia employers must provide only a written statement reflecting the employee’s gross wages and deductions upon the employee’s request.

New Requirements

Virginia Code § 40.1-29 has been amended to require employers to provide employees with a written statement, by paystub or online accounting, showing the following:

1. The name and address of the employer;
2. The number of hours worked during the pay period;
3. The rate of pay;
4. The gross wages earned by the employee during the pay period; and
5. The amount and purpose of any deductions.

Employers Covered

The new law applies to an employer, including any individual, partnership, association, corporation, legal representative, receiver, trustee, or trustee in bankruptcy, doing business in or operating within Virginia who employs another to work for wages, salaries, or on commission, as well as any similar entity acting directly or indirectly in the interest of an employer in relation to an employee.

Excluded from the new law are employers engaged in agricultural employment, including agribusiness and forestry. These employers must produce only wage statements reflecting gross wages earned and the amount and purpose of any deductions upon an employee’s request.

Employees Covered

Virginia Code § 40.1-29 does not distinguish between exempt and non-exempt employees. Rather, it applies to all employees, defined by Virginia Code § 40.1-2 as any person who, in consideration of wages, salaries, or commissions, may be permitted, required, or directed by any employer to engage in any employment directly or indirectly.

Therefore, employers must provide wage statements to exempt employees as well as non-exempt employees.

Penalties

The penalties provision of the statute does not expressly address whether it applies to a failure to provide the required wage statement. However, it is so broadly worded that it may be interpreted to allow a complainant to file a complaint with the Attorney General for a violation of the amendment, and the Attorney General may investigate the complaint.

Employers affected by the new law should review and update their payroll practices to ensure compliance. They also should review and revise any employee handbook policies dealing with wage statements or timekeeping.

Please contact the Jackson Lewis attorney with whom you regularly work or the authors of this article with questions related to this development or any other workplace issue.

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