

Virginia Clarifies New Requirement for Wage Payment Statements Applies to All Employees

By Kristina H. Vaquera & Milena Radovic

January 13, 2020

Meet the Authors



Kristina H. Vaquera

Office Managing Principal and
Office Litigation Manager
(757) 648-1448
Kristina.Vaquera@jacksonlewis.com



Milena Radovic

Associate
(757) 648-1444
Milena.Radovic@jacksonlewis.com

Related Services

Wage and Hour

©2020 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

The Virginia Department of Labor and Industry (DOLI) has clarified that the requirement to provide employees with a detailed, written statement for each regular pay date applies to all employees, regardless of whether they are exempt or non-exempt.

An amendment to [Virginia Code § 40.1-29](#) (Virginia Payment of Wage Law) adopted in 2019 requires 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.

The law took effect on January 1, 2020. (For details, see our article, [Change to Virginia Wage Payment Statements on the Horizon.](#))

Many employers wondered whether the amendment applies to exempt and non-exempt employees, as the Code section failed to distinguish between the two when the amendment passed. In response, the Virginia DOLI issued an announcement explaining that the law applies to all employees, even those who are not paid on an hourly basis, such as salaried and piece work employees.

The Virginia DOLI also stated that for salaried, piece work employees, and others who are not traditionally paid on an hourly basis, it would not enforce the requirement until July 1, 2020. The delay in the enforcement of this policy applies only to the hours-of-work requirement, not to any other provisions of § 40.1-29.

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 a Jackson Lewis attorney with questions about this or other workplace issues.