

WASHINGTON EMPLOYMENT LAW Wage Payment Requirements



Several federal laws regulate wage payments. These include the Fair Labor Standards Act (FLSA), the Davis-Bacon Act and the Service Contract Act. Washington law also imposes state wage payment requirements. When federal and state laws are different, the law that is more favorable to the employee will apply. The Washington State [Department of Labor and Industries](#) (L&I) enforces wage payment requirements throughout the state.

STATE RESOURCES

Washington State Department of Labor and Industries (L&I) [website](#)

L&I Publications

- [Minimum wage](#)
- [Overtime and exemptions](#)
- [Rests, meals and schedules](#)
- [Pay requirements](#)
- [Payroll and personnel records](#)
- [Prevailing wage](#)

Workplace Poster

Employers must display this [poster](#) in conspicuous locations within their employees' workplaces.

METHOD OF PAYMENT

Washington law requires employers to pay wages in lawful United States currency by:

- Cash;
- Check (convertible into cash on demand at full face value);
- Direct deposit; or
- Other means of payment that pose no cost to the employee.

FREQUENCY OF PAYMENTS

Employers must pay employee wages at least **once per month** on established paydays, unless federal law establishes payments at intervals more favorable to the employee. A collective bargaining agreement may also override state wage payment requirements.

If an employer pays wages more often than once per month, regular paydays must generally be **within 10 calendar days** after the end of the work period.

If an employer pays wages on a monthly basis, the employer's payroll system must withhold pay for an employee's last seven workdays. These withholdings must be included in the payroll for the following month's payday.

Overtime wages must be paid on the regular pay period when they are earned. If the correct amount of overtime cannot be calculated until after the regular pay day, the employer may establish a separate regular overtime pay day. This additional pay day must be soon after the regular pay day and allow the employer just enough time to calculate the amount and arrange for the appropriate payment of overtime wages.

DELIVERY OF WAGES

Mailed employee wages must be postmarked no later than the established pay day. If the pay day falls on a weekend or holiday, paychecks must be postmarked no later than the next business day.

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LAST PAYMENT OF WAGES

Employees separated from their employers, whether by discharge or voluntary resignation, are entitled to receive any unpaid wages by the **next regular pay day**. However, if an employee is working in a unionized environment, the labor-management agreement controls the manner and timing of the employee's last wages.

When paying a terminated employee's wages, employers may not withhold or divert any portion of the employee's wages, unless the deduction is:

- Required by law;
- Specifically agreed upon by the employer and the employee; or
- For medical, surgical or hospital care.

If an employee's last payment is due after the employee's death, unpaid wages must be paid to the executor or administrator of the employee's estate. If there is no administrator or executor, the employee's surviving spouse, children or parents (in that order) may receive payment of **up to \$10,000**.

WITHHOLDINGS AND DEDUCTIONS

It is a misdemeanor for an employer to unlawfully withhold all or a portion of an employee's wages. However, employers may withhold or divert any portion of an employee's wages when:

- Required by federal or state law;
- A deduction has been expressly authorized in writing in advance by the employee for a lawful purpose accruing to the employee's benefit;
- Necessary to cover medical, surgical or hospital care.

Employers must record each withholding with accuracy. In general, wage deductions and withholdings cannot reduce an employee's gross wages below the minimum wage rate, unless authorized by law. Employers may not derive any financial gain from wage deductions.

STATEMENTS

Employers must provide each employee with an itemized statement at the time the employee's wages are paid. The itemized statement must show the employee's:

- Number of hours worked;
- Wage rate;
- Gross wages; and
- Deductions for that pay period.

Employers can make this statement available through electronic means if their employees have easy access to the electronic copy. A printed copy is required only when an employee does not have any other means of accessing the statement.

MORE INFORMATION

Contact Heffernan Insurance Brokers for more information on wage payment and work hour laws in Washington.