



# PAYROLL LEGAL

BUSINESS MANAGEMENT DAILY

February 2018  
Special Edition

# Alert

Secrets  
for Managing  
Expense Reimbursements  
... see page 3

## WAGES & HOURS

### *Final Wages: Pay at the Door... Or Pay More in Court*

When you terminate employees, be wary of making them wait for their final checks. While state laws vary on the required timing of final paychecks (see page 8), the best strategy—regardless of state law—is to deliver that paycheck at the time of termination.

Some states, like California, practically make the choice for you. If you fail to timely pay final wages, employees can sue for an equal amount in penalty wages, up to 30 days' pay.

One California employer learned this the hard way when the state Supreme Court ruled that employees have three years to sue for penalty wages, not one year. (*Pineda v. Bank of America*, Cal. Sup. Ct., 50 Cal. 4th 1389)

#### Don't let the door hit you on the way out.

Under California law, employees have three years to sue their former employers for unpaid final pay, plus up to 30 days of penalty wages related to that unpaid final pay. Another section of state law, however, allows litigants just one year to sue for penalties.

An employee who gave two weeks' notice of quitting was paid his final pay four days late. A little over a year later, he filed a class-action lawsuit seeking only penalty wages related to the late final pay. A trial court ruled that the one-year statute of limitations applied, and dismissed the lawsuit. On appeal, the company argued that since there was no final pay due, the class was suing only for penalty

wages. The lawsuit, therefore, was time barred because the one-year limit applied. The state Supreme Court disagreed, reversed the lower courts' decision and ruled for the employees.

➤ **PAYROLL PRACTICE TIP:** It's immeasurably easier to reconcile a manually cut final check in the payroll accounts than fight over that check in court.

This case also shows that it's critical to understand your state's final wage payment laws. To help you along, this month's Page 8 chart digests these laws.

**NOTE:** States without laws have been omitted. Delaware, Kansas, Indiana, Maryland, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Virginia and Washington have also been omitted because they require that employees receive their final pay at the next regular payday, regardless of whether they quit or were fired. ❖

When to deliver  
paycheck:  
State-by-state  
chart  
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## IRS AUDITS

### *Secrets of the IRS Payroll Audit Program Revealed*

The IRS is in the middle of intensive, line-by-line audits of payroll returns conducted under the auspices of the IRS' National Research Program (NRP). The three-year-old NRP audits program randomly targeted a total of 6,000 employers.

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### ***Just got confirmation that you moved? Don't be alarmed***

The IRS must send you notices of your old and new address, if your mailing address for tax purposes changes. This is primarily to forestall fraud by third-party payroll providers who change their clients' mailing addresses with the IRS without letting their clients know to rip them off.

The IRS is sending high volumes of Notices CP 148A and CP 148B to employers because of simple mistakes made when preparing Forms 941: using St. for Street or Ave. for Avenue, for example.

### **We know more than you think we know.**

NRP audits focus on worker classification, fringe benefits, officer compensation and Form 1099-MISC. Auditors aren't coming into your business blind. For example, if the source return is Form 1120S, prior and subsequent 1120S forms, W-2 forms, 1099-MISC forms and CP2100 notices will be included in auditors' files. Auditors will also have learned about your business by surfing your website.

**Keep cool under pressure.** The IRS kicks off each NRP audit with a 3851-B letter. While your Forms 941 and 1120 may be in order, it's not what's on those forms that most interests the auditors. The IRS is keen to determine items that could be fringe benefits that *aren't* on those returns.

With that in mind, here are four tips for handling the NRP process:

### **1. Assess your liability for hidden fringes**

by examining every payment rank-and-file employees receive. If the tax code doesn't specifically exclude a payment from income, it's taxable. Hidden fringes can lurk in employer-provided meals, tax-free fringes that exceed their ceiling (e.g., \$5,000 a year for dependent care) and reimbursed expenses that aren't paid under an accountable plan.

**2. Go through the same process for executive compensation,** but also include executive compensation agreements, loan agreements and nonqualified deferred compensation plans. Additional hidden fringes may lurk in executive dining rooms, country club dues, skyboxes and chauffeur services.

**3. To determine the status of independent contractors, apply the safe harbor factors** of Section 530 of the Revenue Act of 1978: You treat all independent contractors consistently by filing Forms 1099-MISC, if necessary; you treat all similar independent contractors similarly; and you have a reasonable basis for your actions.

**4. Forms 1099-MISC must be provided** to noncorporate service providers to whom you pay \$600 or more a year. Service providers' Taxpayer Identification Numbers (TINs) must be reported on the form. Auditors will look through your accounts payable books to assess compliance. *Warning:* If you don't have service providers' TINs prior to payment, you must backup withhold at the 28% rate. ❖

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#### TAXES AND COMPLIANCE

### ***Outsourcing Your Payroll May Not Be a Good Idea, After All***

A recent court ruling serves as an important cautionary tale of the risks companies take when they let payroll processing out of their hands.

The case involved a payroll service bureau that didn't remit clients' withheld taxes and then declared bankruptcy. Payroll professionals need to be more vigilant than ever to such risks, as corporate bankruptcies have spiked in the past three years.

**Here's what happened:** Roughly speaking, when you file for bankruptcy protection, you list your assets and liabilities in a bankruptcy petition. The petition filed by this service bureau listed tax-related claims as liabilities—in other words,

funds provided by clients and meant to be remitted to the IRS as payroll deposits.

Some clients received notices from the IRS regarding undeposited taxes. Others didn't because the service bureau was also receiving IRS correspondence. The service bureau told some clients that the IRS made the error. Other clients sued the service bureau or got in line as creditors.

Either way, they're out their money, which—as a double whammy—they still owe to the IRS.

**Reducing the risk: 4 steps.** Too many innocent companies have found themselves in similar positions. They've gone to court asserting that they shouldn't be held responsible for their service bureau's failures. If they are, they say, they'll be paying their taxes twice.

**Warning:** The IRS isn't sympathetic. Companies are *always* responsible for their payroll taxes. And the courts agree.

Since payroll taxes accumulate quickly, take these steps to ensure you are walking the legal line with your service bureau:

1. **Hire only bonded service bureaus.**
2. **Don't allow the service bureau to sign tax returns.** Confirm that the service bureau deposited your taxes and filed your returns. You and the service bureau can enroll separately in the IRS' Electronic Federal Tax Payment System (EFTPS). Don't reveal your EFTPS PIN or password to anyone.
3. **Don't allow tax correspondence to be sent to the service bureau.**
4. **Request that the IRS provide you** with a transcript of the company's tax accounts on a regular basis. ❖

## ***Knock, Knock, Who's There? Make Sure it's Really the IRS***

Phone scams involving the IRS are so common that hanging up the phone before the robocaller even finishes the initial spiel is reflexive. But what if someone knocks on your company's door, flashes what looks like an official ID and says they're from the IRS? How do you know for sure? The IRS has guidelines to help you discern legitimate revenue officers from impostors.

**I hear you knocking, but you can't come in.** The IRS deals with civil, as well as criminal, matters. And it deals with audits and collections.

### ***Frequent Filer: Expense Reimbursement Tips to Keep IRS at Bay***

The IRS wants to help you avoid compliance hassles when managing employee travel reimbursements. Using the fed's per diem rates greatly simplifies what's otherwise a complex process. Using per diems, however, doesn't mean you can ditch the IRS' accountable plan rules. The current per diems are available at [www.gsa.gov/portal/content/104877](http://www.gsa.gov/portal/content/104877).

**Reports + receipts = Adequate accounting.** Employees seeking reimbursement for business expenses—including travel—must always adequately account for those expenses. While you have great latitude to set your own policy and record-keeping systems, the IRS' accountable plan rules require employees to:

- ✓ Document how much they spent on the company's behalf within 60 days. Documents: receipts, canceled checks or bills.
- ✓ Document the time, place and business purpose of their expenses within 60 days. Documents: detailed, itemized statements of expenses, account books, diaries or similar records of where and when they incurred expenses.
- ✓ Return unused advances within 120 days after paying or incurring an expense.

**How per diems work.** Instead of reimbursing employees 100% for their hotel, meal and incidental expenses, per diems combine one flat amount for meals, lodging and incidentals. (They don't include actual travel costs, such as airfare or per-mile car expenses.)

Since you already know what employees can spend, they needn't submit receipts for expenses the per diems cover. However, they must still document the time, place and business purpose of their trips, and submit receipts for expenses the per diems don't cover.

**Tax advantages:** If your per diems don't top the fed's rates, your reimbursements are tax-free; for per diems exceeding the fed's, only the excess is taxable.

**Charge it!** Company credit cards are another great way to track employee business expenses. However, you must manage them carefully. You can require employees to submit receipts for every expense, although the IRS only requires it for expenses over \$75.

### ***One Phish, Two Phish: Protect Employees From Tax Scams***

Employees are becoming more comfortable going to the IRS website to download IRS forms and tax publications. Oftentimes, they're using their high-speed work computers to access these documents—especially during tax return season.

**But beware:** The IRS is warning that scam artists continue to create so-called “phishing” websites that resemble the IRS’ site. Plus, some legitimate commercial websites also try to resemble the IRS’ website or contain some form of the IRS’ name in their address but end in “.com,” “.net,” or “.org.” Those sites aren’t connected to the IRS. The only legitimate IRS sites are those beginning with [www.irs.gov](http://www.irs.gov).

➔ **BE A HERO:** Remind employees that the IRS doesn’t send unsolicited emails. *Upshot:* Emails that solicit employees’ tax accounts or detailed personal and financial information (including PINs, passwords or similar secret access information) are phony.

Employees who receive suspicious emails should report them to a special IRS mailbox: [phishing@irs.gov](mailto:phishing@irs.gov). To learn more, type “phishing” into the search box at the IRS’ homepage.

Payroll audits don’t just happen out of the blue. Revenue agents routinely visit businesses that are undergoing civil payroll audits, but you will first receive a letter regarding the impending audit. The letter will also ask you to agree to set up an appointment with the revenue agent. The revenue agent may then call to discuss items needed for the audit and to confirm the meeting.

Collection matters, such as missed tax deposits that are beginning to pile up—what the IRS calls pyramiding—may garner unannounced visits from revenue officers. These revenue officers are working so-called Federal Tax Deposit Alerts, which the IRS considers urgent enough to dispense with prior notice, and which are undertaken at the earliest sign that a business is falling behind on its payroll deposits. Tip: If you get a visit from a revenue officer regarding an FTD Alert, be polite, but don’t pay. Revenue officers don’t ask for money up-front. If you’re dunned for money, you know the individual is an impostor. Then, get to the bottom of those missed deposits by requesting a copy of the company’s business tax transcript.

IRS criminal investigators may also make unannounced visits to your company during the

course of an investigation. Criminal investigators are federal law enforcement agents; they don’t demand payment. They also carry law enforcement credentials, including badges. ❖

### ***First-Time Penalty? Here’s What to Do***

It wasn’t your fault. Maybe you went away on vacation and left the payroll tax deposit duties to someone else, who let a deposit fall through the cracks. Uh oh: Now you have a mess, and a penalty notice, to deal with. You have to take care of this missed deposit right away.

**Get out of jail free.** The IRS will usually abate a first-time penalty for failing to deposit payroll taxes, but you must have established a good track record with it beforehand. The IRS may decide on its own to not assess a penalty, but you may have to wait a long time for that. *Best strategy:* Write a letter to the IRS asking for a penalty abatement. Include a copy of the notice and proof that the deposit was made. As a good-faith gesture, enclose a check for the interest.

Resist the temptation to be intemperate. Here’s a sample letter you can consider using:

“[Name of company] has deposited its payroll and corporate taxes in full and on time since [fill in the first year the company was in business]. However, due to a [fill in the reason], the payroll deposit for the [fill in the semimonthly or monthly pay period] was not made. This was an inadvertent error, which was corrected on [fill in the date the deposit was made]. “We are enclosing the penalty notice for your reference and a check for the interest. We are requesting that the penalty be abated, based on the company’s past good compliance record. To prevent a recurrence, we have corrected the error and introduced additional internal controls.” ❖

### **PAYROLL PAPERWORK**

### ***SSN Numbering System May Cause Unintended Ripples***

As a result of demographic shifts and the rise of identity theft, the Social Security Administration (SSA) abandoned its tidy Social Security number (SSN) assignment methodology.

Instead, it has begun assigning SSNs randomly, said Chuck Liptz, the SSA's director of Electronic Services Support. Randomization will also allow the SSA to issue SSNs that begin with a 7 or an 8.

Randomization, however, may also cause trouble for some payroll systems.

**Decoding SSNs.** The familiar appearance of an SSN—123-45-6789—has a method behind it. The first three digits are the area number, the middle two digits are the group number, and the last four digits are the serial number.

Area numbers vary depending on when SSNs were issued. Before 1972, they reflected the state where the application for the SSN was made. Beginning in 1972, they reflected the ZIP code of the application's mailing address. Randomization will remove the geographic significance of the area numbers.

**How payroll should respond.** The SSA's change won't affect current employees, since their SSNs were assigned under the old methodology. It will affect new citizens and resident aliens who apply for Social Security cards. Nevertheless, there are a few steps you can take now:

- Randomization can throw a monkey wrench into software programs that perform edits and checks of SSNs. This is especially true if programs reject SSNs that begin with a 7 or an 8, and if programs run edits and checks against the SSA's high-group list, which will be frozen once randomization begins. **To do:** Alert your IT department and third-party providers (e.g., outside 401(k) plan administrators) to the change.
- State tax and unemployment agencies run their own SSN checks. **To do:** To avoid unwelcome scrutiny from them, register with the SSA to use its Social Security Number Verification Service (SSNVS) for each new hire. SSNVS provides real-time confirmation that an employee's name and SSN match. Go to [www.ssa.gov/employer/ssnv.htm](http://www.ssa.gov/employer/ssnv.htm). ❖

## LESSONS FROM THE COURT

### *Know Which Payroll Mistakes Can Lead to Prison Time*

Deposit your taxes or work out a payment plan. Those are your only two choices.

If you opt for what's behind door number three, you may find yourself doing time in a federal prison.

### *When Does the Workday Begin ... and End?*

Technology now allows employees to do small amounts of work at remote locations. When is this considered compensable time? These two questions to our Payroll Mailbag dive into that question:

#### **Computer login time: Paid or not?**

**Question:** We ditched our time clock, so now nonexempt employees clock in on their computers. What about the few minutes it takes for them to boot up their computers each morning? Is that compensable?

**Answer:** Technically, yes. The Fair Labor Standards Act (FLSA) considers this time compensable, since employees are engaged to wait. However, regulations (29 CFR 785.47) allow employers to disregard insubstantial or insignificant periods of time beyond employees' regular workday if, as a practical matter, this time can't be precisely recorded for payroll purposes.

**Warning:** This rule applies only when there are uncertain and indefinite periods of time of a few seconds or minutes, and where the failure to count the time is justified by business realities. The Department of Labor makes these determinations on a case-by-case basis, so check with the company's attorney before deciding not to pay employees for this time.

#### **How to handle pay disparity for after-hours meetings?**

**Question:** Our company often holds meetings after office hours. Full-time nonexempts are paid at their overtime rates, but part-time nonexempts are paid straight-time wages, since they never work longer than 40 hours in a workweek. Hard feelings have arisen among the part-timers about this disparity. Can we pay everyone at the same rate so that everyone is paid equally?

**Answer:** Not really. An expensive option would allow you to pay part-timers at their overtime rates, but you couldn't pay full-timers at their straight-time rates unless you knew that they wouldn't be working overtime during that week. A less expensive option would be to convert after-hours mandatory meetings into voluntary meetings. Under the FLSA, meetings are voluntary if they're conducted after work, attendance is voluntary, meetings aren't directly related to employees' work and employees don't perform any productive work during that time.

**Case in Point:** A federal appeals court has ruled that the owner of a company that couldn't deposit its taxes due to financial reasons was criminally liable for that failure. The U.S. Supreme Court affirmed the lower court's decision by turning down the owner's appeal. (*U.S. v. Easterday*, No. 07-10347, 9th Cir.; U.S. Sup. Ct., No. 09B28)

**What counts as “willful” failure to pay?**

The company piled up a whopping \$44,864,162 in undeposited payroll taxes over a seven-year period. It eventually paid \$25,018,869 toward its arrearage. During this time, the company continued to pay other creditors, including paying employees' salaries.

The IRS levied against corporate assets and filed liens against corporate accounts to secure payment. At each turn, the owner was cooperative and took full responsibility, but the taxes were never paid. Eventually, the IRS filed a 109-count indictment against the owner for willfully failing to pay taxes.

The owner was convicted of 107 counts and sentenced to 30 months in prison. On appeal, he argued that he didn't willfully fail to pay, because he didn't have the money. The appeals court disagreed.

*Court:* In a “willful failure to pay” case, the government doesn't need to prove that the taxpayer had the money to pay the taxes when due. And the taxpayer cannot defend on the ground that he spent the money on other expenses.

Instead, willfulness is a voluntary, intentional violation of a known legal duty, and doesn't require proof of any other motive. ❖

## WAGES & HOURS

### ***Beware Time-Keeping Errors That Could Cost Millions in Back OT***

Automated time-keeping systems are a lot less burdensome than their predecessors. For example, non-exempt employees no longer need to queue up to physically punch in and out at the beginning and end of a day, or when they take their meal breaks.

Less burdensome, however, doesn't mean that these systems always work on autopilot. Just ask one Midwestern hospital company, which was tagged with having to pay \$1.7 million in back overtime pay to 4,000 nurses because its automated time-keeping system deducted for meal periods during which they worked.

**Breaking the link.** Automated time-keeping systems that are linked to the company's main computer system prevent employees from logging onto the system and beginning work before they clock in. These systems capture employees' first key strokes as work, thus eliminating claims that employees worked before their official workdays begin.

But they assume that the first thing employees do is computer-related, which may not always be the case. Only human intervention, aka employees' managers, will be able to determine when employees' workdays really begin. Other pitfalls with automated time-keeping systems include:

\* **Override options.** Some integrated time-keeping systems give employees options for clocking in. *What to avoid:* employees overriding the system by getting their manager's approval to clock in early.

\* **Faulty linkage.** Once employees clock in, a computer prompt reminds them not to begin working until their official clock-in time. Once clocked in, however, the main computer system allows them to begin work, even if their shifts haven't yet started.

\* **Rounding errors.** To correct for payroll systems that couldn't track all of employees' work times, you could round employees' work hours to, for example, the nearest five minutes, one-tenth of an hour or quarter of an hour, provided employees are paid for all the hours they worked. The point of new time-keeping systems is that they're more accurate, so rounding may not be as necessary.

\* **Real-world interactions.** Not paying nurses who work through their meal periods is a blatant violation of the Fair Labor Standards Act (FLSA). Auto-deductions can also get you in trouble in the following areas:

- Employees' rest breaks, since rest breaks are considered working time under the FLSA
- Employees' changing time, which is compensable if employees must wear unique protective gear
- Setup/cleanup time, which is compensable if those activities are integral to employees' main activities. ❖

### ***Employees' SSNs Off Limits In FLSA Litigation***

The time to confirm employees' Social Security numbers (SSNs) is when they're hired, not when you're slapped with a lawsuit for unpaid over-

time and minimum-wage violations. A federal trial court has ruled that an employer was out of bounds in requesting this information. (*Uto et al. v. Job Site Services, Inc. et al.*, No. CV-10-0529 (SJF) (ETB), D.C., E.N.Y.)

**No snooping allowed.** Former employees sued their company and the company's owner personally, alleging that they weren't paid overtime or the minimum wage. As part of the lawsuit, the company asked the court to have employees disclose their SSNs and their tax returns. The employees wanted this request thrown out, arguing that it was an indirect way of discovering their immigration status.

The trial court agreed with the employees. *Court:* All employees, regardless of their immigration status, are protected by the Fair Labor Standards Act (FLSA), so requiring employees to disclose their SSNs isn't relevant and presents a danger of intimidation that would inhibit them from pursuing their rights. Being forced to disclose their tax returns also wasn't relevant to the FLSA litigation, the court said. ❖

## PAYROLL MAILBAG

### ***W-4s: Everything You Wanted to Know (But Were Afraid to Ask)***

W-4 forms can be deceptively easy. Just sign on the dotted line and forget it, right? Well, maybe not. Here is a recent question we received at the Payroll Mailbag on the topic. (*Subscribers can submit questions to PAYeditor@BusinessManagementDaily.com.*)

#### **Is an Altered W-4 Still Valid?**

**Question:** I was reviewing the W-4 forms of several recently hired employees and noticed that one employee crossed out the phrase that requires that employees certify that they prepared the form under penalties of perjury. What do I do with this form?

**Answer:** This W-4 is invalid. You must ask the employee to file a valid form. If he or she doesn't, withhold as if the employee is single and claiming zero withholding allowances until a new, valid form is filed. If the employee is overwithheld, he or she will get a larger tax refund next spring. ❖

### ***March 2018: Employer's Business Tax Calendar***

☞ **NOTE:** Saturdays, Sundays and legal holidays as observed in the District of Columbia are taken into account to determine due dates. Under the federal deposit rules, you're allowed a deposit shortfall of the greater of \$100 or 2% of your tax liability.

Semiweekly and monthly deposits are for the deposits of FICA and withheld income taxes due on wages paid during the time periods indicated.

|                 |  |
|-----------------|--|
| <b>March 2</b>  | <b>Semiweekly deposit</b> for wages paid on Feb. 24, 25, 26 and 27.  |
| <b>March 7</b>  | <b>Semiweekly deposit</b> for wages paid on Feb. 28, March 1 and 2.  |
| <b>March 9</b>  | <b>Semiweekly deposit</b> for wages paid on March 3, 4, 5 and 6.   |
| <b>March 12</b> | <b>Employees who work for tips.</b> If employees received \$20 or more in tips during February, they should report them to you on Form 4070. |
| <b>March 14</b> | <b>Semiweekly deposit</b> for wages paid on March 7, 8 and 9.  |
| <b>March 15</b> | <b>Monthly deposit</b> for wages paid in February, if the semiweekly deposit rule didn't apply.  |
| <b>March 16</b> | <b>Semiweekly deposit</b> for wages paid on March 10, 11, 12 and 13.   |
| <b>March 21</b> | <b>Semiweekly deposit</b> for wages paid on March 14, 15 and 16.   |
| <b>March 23</b> | <b>Semiweekly deposit</b> for wages paid on March 17, 18, 19 and 20.   |
| <b>March 28</b> | <b>Semiweekly deposit</b> for wages paid on March 21, 22 and 23.   |

### State-by-State Chart on Final-Pay Laws

| State     | Worker who quits   | Worker who is fired or laid off  | State     | Worker who quits   | Worker who is fired or laid off  |
|-----------|--|--|-----------|--|--|
| <b>AK</b> | Next payday that's at least 3 days after employer receives notice  | Within 3 working days  | <b>MT</b> | Earlier of next payday or 15 days  | At once, unless employer policy extends time of payment to earlier of next payday or 15 days   |
| <b>AR</b> | None   | Within 7 days  | <b>NE</b> | Earlier of next payday or 2 weeks  | Earlier of next payday or 2 weeks  |
| <b>AZ</b> | Next payday  | Earlier of next payday or within 7 working days  | <b>NH</b> | Next payday or within 72 hours, if worker gave pay period's notice and is prohibited from working during notice period   | Within 72 hours for employee who is fired; next payday for employee who is laid off  |
| <b>CA</b> | Within 72 hours, or at once if worker gave 72 hours' notice  | At once  | <b>NM</b> | Next payday  | Within 5 days; within 10 days for employees paid by commission or by the piece; next payday for employees suspended due to labor dispute               |
| <b>CO</b> | Next payday  | At once, or within six hours of the start of the next workday if Payroll department isn't operational; within 24 hours if Payroll department is located off the worksite | <b>NV</b> | Earlier of next payday or 7 days of termination  | At once  |
| <b>CT</b> | Next payday  | Next business day for employee who is fired; next payday for employee who is laid off  | <b>OR</b> | Last day, if employee gave at least 48 hours' notice; earlier of next payday or within 5 days if employee didn't give notice; within 5 days if employee didn't give notice and was required to turn in time sheets | First business day; next payday for employees on strike  |
| <b>DC</b> | Earlier of next payday or within 7 days; within 4 days if employee handles money   | Next working day for employee who is fired; within 4 days if employee handles money; next payday for employee suspended due to labor dispute                             | <b>RI</b> | Next payday; within 24 hours if business liquidates, merges or moves to another state  | Next payday; within 24 hours if business, liquidates merges or moves to another state; next regular payday for employee suspended due to labor dispute |
| <b>HI</b> | Next payday, or last day if worker gave pay period's notice  | At once, or next day if payment is impossible for employee who is fired; next payday for employee who is laid off  | <b>SC</b> | Within 48 hours or next payday, not to exceed 30 days  | Within 48 hours or next payday, not to exceed 30 days  |
| <b>ID</b> | Earliest of next payday, 10 days or within 48 hours of employee's written request  | Earliest of next payday, 10 days or within 48 hours of employee's written request  | <b>SD</b> | Next payday, or as soon as employee returns employer's property  | Next payday, or as soon as employee returns employer's property; next payday for employee suspended due to labor dispute                               |
| <b>IL</b> | At once if possible, but not later than next payday  | At once if possible, but not later than next payday  | <b>TN</b> | Later of next payday or 21 days  | Later of next payday or 21 days  |
| <b>KY</b> | Later of next payday or 14 days  | Later of next payday or 14 days  | <b>TX</b> | Next payday  | Within 6 days  |
| <b>LA</b> | Earlier of next payday or 15 days  | Earlier of next payday or 15 days  | <b>UT</b> | Next payday; after audit or verification of sales, accounts, funds or stock for employee paid by commission who has custody of money, accounts or goods  | Within 24 hours; next payday for employee involved in industrial dispute   |
| <b>MA</b> | Next payday or following Saturday if no regular payday   | At once; Boston: as soon as payrolls are certified   | <b>VT</b> | Next payday  | Within 72 hours  |
| <b>ME</b> | Earlier of next payday or 2 weeks after demand   | Earlier of next payday or 2 weeks after demand   | <b>WI</b> | Next payday; within 24 hours if business liquidates, merges or moves to another state  | Next payday; within 24 hours if business liquidates, merges or moves to another state  |
| <b>MI</b> | As soon as amount due is determined  | As soon as amount due is determined  | <b>WV</b> | Next payday  | Next payday  |
| <b>MN</b> | Next payday or second payday if first payday is fewer than 5 calendar days after employee's last day; payment in full by the 20th day of termination | On demand  | <b>WY</b> | Next payday  | Next payday  |
| <b>MO</b> | None   | At once  |           |  |  |