

Wage Assignments Authorized Payroll Deductions

Except as provided in this regulation, or otherwise provided by law, nothing will affect the right of an employee to assign part of his or her claim against his or her employer for wages. The employer must have an assigned authorization prior to deducting or withholding shortages from an employee's wages. § 42CSR5-11.1

- The phrase “otherwise provided by law” is a reference to court ordered wage garnishments. Legal wage garnishments are not considered private agreements between an employee and employer and as such, are not held to the standards established by the West Virginia Wage Payment & Collection Act.

Rules for Wage Assignments

- The amount must be predetermined.
- Payments must be set up for one (1) year.
- Must be renewed each year.
- Must be notarized.
- Payments are limited to 25% of the employees net (take home) earnings.
- Are honored in the order they're authorized.

Deductions Not Requiring a Wage Assignment

Authorized deductions for amounts required or allowed by law to be withheld such as union dues, club dues, pension plans, payroll savings plans, credit unions, charities or hospitalization or medical insurance shall not be required to be in any prescribed form. §42CSR-5-11.3

Deductions That Do Require A Wage Assignment

The following list addresses only a few examples of situations that would require a wage assignment form.

- Replacement costs for lost or damaged tools or equipment.
- Loan payments.
- Drug testing / physical examination fees.

Employer Penalties

Any employer who fails to pay portions of wages in accordance with a properly executed assignment shall be liable for an amount equal to the amount such employer failed to pay. The employee shall not be subject to a suit for reimbursement from a party to whom the employer improperly paid the employee's wages. § 42CSR-5-11.3

Wage Assignment Form

STATE OF WEST VIRGINIA

COUNTY OF _____

I, (employee), hereby assign to (creditor) future wages due me from (employer) in the amount of \$ _____ which amount due to (creditor) together with the amounts previously assigned totals \$ _____ the total amount due to said creditor by this and previous assignments. Three fourths of my earnings for each pay period less deductions shall be exempt from all wage assignments. All my wages assignments shall be paid in the order of the date I signed them. This assignment shall be effective for a period of one (1) year.

(Employee)

Taken, sworn to and subscribed before me on this the _____ day of _____, 19__.

Notary Public

My commission expires _____, 19__.

Accepted by (endorsement by employer) on this the _____ day of _____, 19__.

By (employer of employee), (title)

_____ County

The Division of Labor processes your personal information for appropriate and customary business purposes. Your personal information may be disclosed to other State agencies or third parties in the normal course of business as needed to comply with State or Federal laws. If you have any questions about the Division of Labor's use of your personal information or would like a copy of the Division's complete privacy notice, please contact the Webmaster, Robert Bryant at Robert.L.Bryant@wv.gov or the Division's Privacy Officer, John Junkins at John.R.Junkins@wv.gov.