

Final Wage Payment Requirements by State and Municipality



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The US's continuing pandemic-era economic uncertainty and [the Great Resignation](#) phenomenon have kept state final pay laws top of mind for many employers. And because of the severity of fines and penalties for violations of these laws, which in most states include potential criminal penalties and/or jail time, payroll professionals have good reason to do everything possible to ensure compliance when an employee separates from employment.

Final pay timing requirements vary widely, not only by state but also within many states' laws, depending on whether the separation from employment is voluntary or involuntary and final or temporary. Sometimes the timing of final pay even depends on the type of work or industry involved. Moreover, employers with remote or multistate workforces must be especially careful to comply with the law of the correct state when paying final wages.

In addition to [earnings that are defined as regular wages](#), final pay may have to include amounts for other earnings like commissions and/or the value of accrued but unused time, such as vacation time or [paid sick leave](#). While some state final pay laws explicitly require payout or forfeiture of these earnings, others may require payout only if required by an [employment contract](#), collective bargaining agreement or [applicable policy of the employer](#). Individual localities of some states also have their own requirements regarding payment of accrued time.

The following chart summarizes each jurisdiction's requirements on when to pay final wages to an employee who has separated from employment, how to treat any accrued but unused time and the penalties that apply if an employer fails to comply with these requirements. A notation of "N/A" means there is no law on the issue in the jurisdiction.

For related information on:

- State Worker Adjustment and Retraining Notification (WARN) Act statutes that require notice be provided to certain employees who will lose their jobs due to mass layoffs or plant closings, see [Mini-WARN Laws by State and Municipality](#); and
- Whether a state allows caps on vacation/PTO (paid time off) accrual and allows use-it-or-lose-it policies, see [Vacation and Paid Time Off Benefits by State](#).

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
Federal	N/A	N/A	N/A	N/A
Alabama	N/A	N/A	N/A	N/A
Alaska	By the next payday that is at least three days after the employer received notice of the employee's separation.	Within three working days of the employee's separation or layoff.	The value of accrued vacation time must be paid to a separated employee if the employer has agreed to pay it.	An employer that fails to pay final wages may be liable for the employee's final wages from the time the employee demanded them to the time of payment, or a continuation of wages for 90 days, whichever amount is less.
Arizona	By the next payday, unless the employer and employee agree to a different payment date.	By the next regular payday, or within seven working days of the employee's separation, whichever occurs first.	An employer does not have to pay a separated employee for the value of accrued vacation time or sick leave unless the employer has a policy requiring such payments.	An employer that fails to pay final wages may be sued by an employee for triple damages, or the employee may file a wage claim with the Industrial Commission (limited to \$5,000).
Arkansas	N/A	An employer (private and railroad employers) must pay final wages to an employee who is terminated involuntarily by the next regular payday.	N/A	An employer that fails to pay the final wages within seven days of the next regular payday is liable to the employee for double the wages due.
California	<p>All employees (except print shoot and motion picture employees): Within 72 hours of the employee's separation, or immediately for employees who give 72 hours' notice of separation.</p> <p>Print shoot employees: By the next regular payday, by mail, or pay may be made available at a location within the county where the employee was hired or worked.</p>	<p>All employees (except print shoot and motion picture employees): Immediately upon the employee's separation or layoff.</p> <p>Motion picture employees: Within 24 hours of an employee's separation, or by the next payday for an employee who is laid off.</p> <p>Print shoot employees: By the next regular payday, by mail, or pay may be made available at a location within the county where the employee was hired or worked.</p>	An employer that provides paid vacations must pay the value of accrued vacation time to a separated employee.	An employer that fails to pay final wages is liable for the final wages, plus up to 30 days of wages payable at the employee's normal pay rate. <p>An employer that willfully fails to pay final wages must pay restitution to the employee.</p>

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
California (Berkeley)	Paid sick leave: N/A	Paid sick leave: N/A	Paid sick leave: An employer is not required to pay out accrued but unused sick leave or provide financial or other reimbursement upon an employee's termination, resignation, retirement or other separation from employment.	Paid sick leave: See Berkeley Paid Sick Leave .
California (Santa Monica)	Paid sick leave: N/A	Paid sick leave: N/A	Paid sick leave: Under the City of Santa Monica Minimum Wage Ordinance , an employer may choose to pay out accrued but unused paid sick leave upon an employee's separation from employment but it is not required to do so. An employer that does choose to do so must keep records pertaining to sick time in accordance with federal, state and local law.	Paid sick leave: See Santa Monica Paid Sick Leave .
Colorado	By the next payday.	Immediately upon the employee's separation, within six hours of the start of the next workday if the payroll department is not operational, or within 24 hours of the employee's separation if the payroll department is located off the worksite. If the employee's wages are available at the employer's worksite or local offices but the employee has not received the wages within 60 days of separation, the employer must mail the final paycheck to the employee's last known mailing address.	An employer is not required to provide vacation pay benefits, but if it does, it must pay a terminated employee all accrued but unused vacation pay that is earned and determinable according to the terms of any agreement or policy, as vacation pay is included in the state's definition of wages. Any term of such an agreement or policy that provides for the forfeiture of earned vacation pay on termination is void. An employer is not required to provide financial or other reimbursement to an employee for unused paid sick and safe time upon termination, resignation, retirement or other separation from employment.	An employee may make a written demand for payment of final wages. An employer that fails to pay within 14 days of the demand is liable to the employee for the amount of the unpaid final wages, plus a penalty equal to the amount of unpaid wages, or up to 10 days' worth of the employee's average daily wages (which accrue starting from the date the employer receives the written demand), whichever amount is greater. The penalty increases by 50% if the failure to pay is willful. An employer that fails to answer a DOL complaint for unpaid wages (of up to \$7,500) made on behalf of a separated employee will be issued a citation and a notice of assessment for the amount owed plus penalties. The DOL may waive the fines or reduce the penalties assessed by up to 50% if the employer pays the wages within 14 days after receipt of the citation and notice.

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Connecticut	By the next payday.	<p>By the next business day for employees who are fired.</p> <p>By the next payday for employees who are laid off or suspended due to a labor dispute.</p>	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that willfully fails to pay final commissions may be liable for two times the amount of the unpaid commissions, plus attorney fees and costs. Employees may recover two times the amount of the unpaid wages. Depending on the amount owed, an employer may be liable for a fine of \$200 to \$5,000, and/or be imprisoned for three months to five years.
Delaware	By the next payday.	By the next payday.	The value of accrued vacation time, benefits and other wage supplements must be paid to a separated employee within 30 days if the employer has agreed to pay it.	An employer that fails to pay final wages is liable for the unpaid wages, or liquidated damages equal to 10% of the unpaid wages per day until paid, excluding Sundays and holidays, whichever amount is less. If an employer is adjudicated bankrupt, liquidated damages do not continue after the date a bankruptcy petition is filed.
District of Columbia	<p>All employees: By the next payday, or within seven days of the employee's separation, whichever occurs first.</p> <p>Employees who handle money: Within four days after the employee's separation.</p> <p>Employees suspended due to a labor dispute: By the next payday.</p>	<p>All employees (except those who handle money and those who are suspended due to a labor dispute): By the next workday after the employee's separation.</p>	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that fails to pay final wages is liable for liquidated damages equal to 10% of the unpaid wages per day until paid.
Florida	N/A	N/A	N/A	N/A
Georgia	N/A	N/A	N/A	N/A

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
Hawaii	<p>All employees: By the next regular payday and in the usual manner of payment, or by mail if the employee requests it. If the employee gives at least one pay period's advance notice of resignation, the employer must pay all wages earned on the employee's last day of work.</p>	<p>All employees (except those suspended due to a labor dispute or temporary layoff): Immediately, at the time of termination, or by the next work day if immediate payment is impossible due to the time or conditions of termination.</p> <p>Employees suspended due to a labor dispute (e.g., strike) or temporary layoff: The employer must pay all wages earned as of the date of the suspension or temporary layoff by the next regular payday and in the usual manner of payment, or by mail if the employee requests it.</p>	<p>Unused accrued vacation time must be paid to terminating or resigning employees on the last day of work as part of the final wage payment if the employer customarily provides it.</p>	<p>An employer that fails to pay final wages to an employee who is laid off or involved in a labor dispute is liable for the final pay, plus any pay owed at the employee's usual rate for the three months prior to the closing of business. An employee may sue for unpaid final wages. The employer may be liable for fines ranging from \$2,000 to \$10,000 per offense, criminal fines of \$100 to \$10,000, and/or be subject to one year in jail for each violation.</p>
Idaho	<p>By the next payday, or within 10 days after the employee's separation, whichever occurs first.</p> <p>Within 48 hours of the employee's written request for final payment.</p>	<p>By the next payday, or within 10 days after the employee's separation, whichever occurs first.</p> <p>Within 48 hours of the employee's written request for final payment.</p>	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that fails to pay final wages is liable for up to 15 days' unpaid wages, up to \$750. The maximum penalty is \$500 if final wages are paid before a lien is filed.</p>
Illinois	<p>Immediately upon the employee's separation, but not later than the next payday.</p>	<p>Immediately upon the employee's separation, but not later than the next payday.</p>	<p>The value of accrued vacation time must be paid to a separated employee.</p>	<p>An employer that fails to pay final wages is liable to the employee for the amount unpaid, plus damages equal to 2% of the amount unpaid.</p>
Illinois (Chicago)	<p>Paid sick leave: N/A</p>	<p>Paid sick leave: N/A</p>	<p>Paid sick leave: An employer covered by the Chicago Minimum Wage and Paid Sick Leave Ordinance is not required to pay out accrued but unused paid sick leave upon an employee's termination, resignation, retirement or other separation from employment, unless an applicable collective bargaining agreement provides otherwise.</p>	<p>Paid sick leave: N/A</p>

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Illinois (Cook County)	Paid sick leave: N/A	Paid sick leave: N/A	Paid sick leave: An employer covered by the Cook County Earned Sick Leave Ordinance is not required to pay out accrued but unused earned sick leave upon an employee's termination, resignation, retirement or other separation from employment, unless an applicable collective bargaining agreement provides otherwise.	Paid sick leave: N/A
Indiana	All employees (except those whose whereabouts are unknown): By the next payday. Employee's whose whereabouts are unknown: By the 10th day after the employee's demand for payment, or after the employee provides the employer with a current address.	All employees: By the next regular payday.	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that fails to pay final wages may be liable for a penalty equal to 10% of the amount of wages due per day, up to two times the amount of the unpaid wages.
Iowa	All employees (except those paid net commissions): By the next regular payday. Employees paid net commissions: Within 30 days of the employee's separation.	All employees (except those paid net commissions): By the next regular payday. Employees paid net commissions: Within 30 days of the employee's separation.	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that fails to pay final wages may be liable for a fine equal to \$500 per failure, plus liquidated damages equal to 5% per day if the employer fails to pay within seven days of the due date.
Kansas	All employees (except those paid commissions): By the next regular payday. Employees paid commissions: Within 30 days or less after the last day of the contract.	All employees (except those paid commissions): By the next regular payday. Employees paid commissions: Within 30 days or less after the last day of the contract.	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that willfully fails to pay final wages is liable, beginning on the eighth day the wages remain unpaid, for the amount unpaid, or the amount unpaid plus 1% of those wages per day, excluding Sunday and holidays, whichever is less. If an employer is adjudicated bankrupt, a failure to pay wages will not continue after the date the bankruptcy petition is filed.

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
Kentucky	By the next payday, or within 14 days after the employee's separation, whichever occurs later.	By the next payday, or within 14 days after the employee's separation, whichever occurs later.	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that fails to pay final wages may be assessed a civil penalty ranging from \$100 to \$1,000 per offense. Each failure to pay final wages is a separate offense.
Louisiana	<p>By the next payday, or within 15 days after the employee's separation, whichever occurs first (unless a collective bargaining agreement provides otherwise). With respect to interstate common carriers by rail, a legal holiday does not count when computing the 15-day period.</p> <p>Payment must occur at the place and in the manner that was customary during employment. However, payment may be made by mail to the employee's address that is on record with the employer provided the employer pays for the postage. Payment made by mail is considered paid on the postmark date of the mailing or on any other official US Postal Service documentation.</p>	<p>By the next payday, or within 15 days after the employee's separation, whichever occurs first (unless a collective bargaining agreement provides otherwise). With respect to interstate common carriers by rail, a legal holiday does not count when computing the 15-day period.</p> <p>Payment must occur at the place and in the manner that was customary during employment. However, payment may be made by mail to the employee's address that is on record with the employer provided the employer pays for the postage. Payment made by mail is considered paid on the postmark date of the mailing or on any other official US Postal Service documentation.</p>	<p>An employee must be paid for accrued, unused vacation time at the time of separation from employment if the employer has a stated policy that provides for such payment. The employee must be eligible for and have accrued the right to take the vacation time and must not have already been paid for the time as of the date of discharge or resignation. The law may not be interpreted to allow the forfeiture of any vacation pay actually earned by an employee under the employer's policy.</p>	<p>In the event of a dispute as to the amount of wages due, the employer must pay the undisputed portion of the amount due and the employee has the right to file an action to enforce the wage claim. An employer that fails to pay final wages may be liable for the full amount of the final wages due, or 90 days' wages at the employee's daily pay rate, whichever amount is less. The employee is also entitled to reasonable attorney fees.</p>

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Maine	<p>By the next payday, or within two weeks after an employee demands final payment.</p> <p>An employer may deduct from an employee's final pay 100% of any erroneous overcompensation or loan or advance against future earnings or wages if the employee terminates employment voluntarily and has authorized the deduction in writing. However, an employer may not recoup more than the amount of the overcompensation paid to the employee in the three years before the date the employer discovered the overpayment.</p>	<p>By the next payday, or within two weeks after an employee demands final payment. If the termination is due to the sale of the employer's business, the employer must pay out any wages employees earned while employed within two weeks after the sale.</p> <p>If an erroneously overcompensated employee is terminated involuntarily, the employer may not deduct more than 5% to recoup the overpayment without the employee's written permission.</p>	<p>If the terms of employment or the employer's established practice provide for paid vacations, any vacation pay earned must be paid to a terminated employee in full by the employee's next regular payday. If the termination is due to the fact that the employer is selling its business, any earned vacation pay must be paid within two weeks after the sale.</p> <p>Employer's insolvency: If employment ends because of the employer's insolvency, <i>wages earned</i> includes the value of all fringe benefits earned by the separated employee that are contractually provided, including those provided under plans for retirement, insurance, health care and vacations.</p>	<p>An employer that fails to pay final wages may be liable for fines ranging from \$100 to \$500. An employer also may be sued for unpaid wages by an employee or the Maine Department of Labor.</p> <p>For violations of the overcompensation provisions, an employer forfeits any claim to the overcompensation if it has more than 25 employees, or if it has 25 or fewer employees and commits the violation <i>with knowledge</i>; if the employer has 25 or fewer employees and commits the violation <i>without knowledge</i>, it forfeits the claim if it fails to return all excess amounts withheld within three days of written or oral demand by the employee.</p>
Maryland	<p>By the next regular payday.</p>	<p>By the next regular payday.</p>	<p>The value of accrued vacation time is not payable to a separated employee if the following criteria are met:</p> <ul style="list-style-type: none"> • The employer has a written policy limiting accrued leave to current employees; • The employee was notified of the policy when hired; and • The employee is not entitled to payment under the terms of the policy. <p>Under the Maryland Healthy Working Families Act, if an employer allows an employee to use sick and safe leave before it has accrued, the employer may deduct the amount paid for the leave from the employee's final wages if:</p> <ul style="list-style-type: none"> • The employer and employee mutually consented to the deduction in a document signed by the employee; and • The employee terminates before accruing the amount of sick and safe leave used. 	<p>An employer that fails to pay final wages may be guilty of a misdemeanor and liable for fines of up to \$1,000. A court may award triple damages to an employee if the employer willfully held wages that were payable.</p>

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Massachusetts	<p>All employees (except those paid commissions): By the next payday, or the following Saturday if there is no regular payday.</p> <p>Employees paid commissions: Earned commissions that have been definitely determined and are due and payable to an employee are considered part of the employee's wages and must be paid, less allowable or authorized deductions, when they leave employment voluntarily.</p>	<p>All employees (except certain commissioned and manufacturing employees): Immediately upon the employee's separation or layoff.</p> <p>Manufacturing employees: A manufacturer that requires employees to forfeit a portion of their final pay if they do not give notice of voluntary separation forfeits a similar amount if it fires an employee without similar notice.</p> <p>Employees paid commissions: Earned commissions that have been definitely determined and are due and payable to an employee are considered part of the employee's wages and must be paid, less allowable or authorized deductions, when they leave employment involuntarily.</p>	<p>The value of accrued vacation time must be paid to a separated employee if the employer has agreed in writing or verbally to provide paid vacations.</p> <p>An employer has the option to pay accrued sick time with an employee's final wage payment.</p>	<p>An employer that fails to pay final wages must pay restitution to the employee or a maximum civil penalty of \$25,000 per violation. The maximum penalty is reduced to \$7,000 if the employer has no prior violations. For a first offense, criminal fines of up to \$25,000 may also apply and/or the employer may be imprisoned for up to one year. For a second offense, the criminal fine increases to \$50,000 and the maximum jail term is two years.</p>
Michigan	<p>All employees (except certain employees under contracts): By the next regular payday.</p> <p>Employees under contracts: Final pay must include all wages earned by the separated employee as nearly as they can be estimated if the full amount cannot be determined until the contract terminates; a final payment must be made in full when the contract terminates.</p>	<p>All employees (except certain employees under contracts): By the next regular payday.</p> <p>Employees under contracts: Final pay must include all wages earned by the separated employee as nearly as they can be estimated if the full amount cannot be determined until the contract terminates; a final payment must be made in full when the contract terminates.</p>	<p>The value of accrued vacation time must be paid to a separated employee if a written employment contract or policy requires payment.</p> <p>An employer that is subject to the state paid sick leave law is not required to pay out unused, accrued paid medical leave upon an employee's separation from employment.</p>	<p>An employer that fails to pay final wages may be liable for civil penalties equal to 10% of the unpaid wages per year, and/or exemplary damages equal to two times the amount of unpaid wages; if the violation is flagrant or repeated, an additional penalty of up to \$1,000 may apply. Failing to pay final wages is also a misdemeanor, punishable by a fine and/or imprisonment. Employees may sue for unpaid final wages, plus 10% of the amount owed and unpaid.</p>

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Minnesota	<p>Most employees (except certain commissioned and transitory employees and those who handle money or property): By the next payday, or by the second payday if the first payday is fewer than five calendar days after the employee's last day of work; the employee must be paid in full within 20 days after the employee's separation.</p> <p>Commissioned employees: Not later than three work days after the separation if the employee gives at least five days' written notice of the separation; final pay is due no later than six days after the separation if the employee did not give notice.</p> <p>Transitory employees: Within 24 hours of the work's completion or the employee's involuntary separation.</p> <p>Employees who handle money or property: An employer may take 10 calendar days after the separated employee's final day to conduct an audit; final pay is due thereafter.</p>	<p>Most employees (except certain public service corporation, commissioned and transitory employees): Within 24 hours of the separating employee's demand.</p> <p>Public service corporation employees: Immediately upon the employee's separation, or within a reasonable time after the employee's demand.</p> <p>Commissioned employees: Not later than three work days after the separation if the employee gives at least five days' written notice of the separation; final pay is due not later than six days after the separation if the employee did not give notice.</p> <p>Transitory employees: Within 24 hours of the work's completion or the employee's voluntary separation.</p>	<p>The value of accrued vacation time must be paid to a separated employee if a written employment contract or policy requires payment.</p>	<p>An employer that fails to pay final wages may be liable for up to 15 days' wages at the employee's regular rate of pay if the wages remain unpaid 24 hours after the employee's demand.</p>
Minnesota (Duluth)	<p>Paid sick leave: N/A</p>	<p>Paid sick leave: N/A</p>	<p>Paid sick leave: An employer covered by the Duluth earned sick and safe time (ESST) ordinance is not required to pay or otherwise reimburse an employee for unused ESST upon the employee's termination, resignation, retirement or other separation from employment. When there is a separation from employment and the employee is rehired by the same employer within 90 days of the separation, previously accrued but unused ESST must be reinstated; the employee is entitled to use the reinstated ESST and to accrue additional ESST.</p>	<p>Paid sick leave: See Paid Sick Leave: Minnesota.</p>

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<u>Minnesota (Minneapolis)</u>	Paid sick leave: N/A	Paid sick leave: N/A	Paid sick leave: An employer covered by the Minneapolis Sick and Safe Time Ordinance is not required to pay out accrued but unused time to an employee upon termination, resignation, retirement or other separation from employment.	Paid sick leave: N/A
<u>Minnesota (St. Paul)</u>	Paid sick leave: N/A	Paid sick leave: N/A	Paid sick leave: An employer covered by the St. Paul Earned Sick and Safe Time (ESST) Ordinance is not required to pay or otherwise reimburse an employee for unused ESST upon the employee's termination, resignation, retirement or other separation from employment. An employer may choose to do so, but only if it had frontloaded the employee's sick and safe time.	Paid sick leave: N/A
<u>Mississippi</u>	N/A	Employees paid commissions: Within 21 days of a contract's termination when the principal does not have a permanent or fixed place of business in Mississippi.	N/A	Non-Mississippi principals who fail to pay final commissions to a separated sales representative within 21 days of the due date may be liable for up to triple the amount of commissions due and reasonable attorney fees and costs.
<u>Missouri</u>	By the next regular payday (according to the state labor department).	<p>On the day of termination. An employee may submit a written request to the employer for the amount owed and the employer must pay the amount due within seven days.</p> <p>These requirements do not apply to employees paid on commission and employees whose duties include the collection of accounts, care of merchandise or stock, and similar activities in which it is necessary or customary to perform an audit to determine the net amount due.</p>	<p>The value of accrued vacation time must be paid to a separated employee if a written employment contract or policy requires payment.</p>	<p>Voluntary termination: If an employer does not pay final wages by the next regular payday, the employee may file a private legal collection action.</p> <p>Involuntary termination: If an employer does not pay the amount due within seven days after the date it receives an employee's written request for payment of final wages, the wages the employee was being paid before the termination continue to accrue at the same rate from the date of the termination and until they are paid, but not longer than 60 days.</p> <p>A terminated employee may also file a private legal collection action.</p>

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Montana	By the next payday, or within 15 days after the employee's separation, whichever occurs first.	Immediately upon the employee's separation, unless company policy extends the time of payment to the next payday or to 15 days after the employee's separation, whichever occurs first.	The value of accrued vacation time must be paid to a separated employee only if the employer provides for paid vacations.	An employer that fails to pay final wages may be guilty of a misdemeanor and a penalty equal to 110% of the wages owed.
Nebraska	By the next payday, or within two weeks after the employee's separation, whichever occurs first.	By the next payday, or within two weeks after the employee's separation, whichever occurs first.	The value of accrued vacation time must be paid to a separated employee.	Employees may sue to recover unpaid final wages and court costs, including attorney fees equal to 25% of the unpaid wages. An employee may recover double the amount of unpaid final wages if the employer's failure to pay is willful.

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Nevada	<p>By the next regular payday, or within seven days after the employee's separation, whichever occurs first.</p>	<p>Immediately upon the employee's separation.</p>	<p>An employer may, but is not required to, pay an employee for any unused paid leave upon separation from employment.</p>	<p>If an employer fails to pay final wages to an employee who has been fired within three days after the wages are due, or to an employee who quits when the wages are due, the wages or compensation of the employee continue at the same rate from the day the employee was fired or quit until paid, or for 30 days, whichever is less.</p> <p>If an employer discharges or lays off employees without first paying them their final wages, or fails to pay their final wages on the employees' demand, when due under a contract of employment, the employees are entitled to collect the amount agreed upon in their contract for each day the employer is in default until payment is made in full, but only for up to 30 days after the default. The employees will then have a lien against the employer for the unpaid wages.</p> <p>If an employer fails to pay a separated employee in accordance with the final pay laws, the employee has two years within which to file a civil action against the employer. The state labor department may not exercise jurisdiction over wage claims for the same wages while such civil claims are pending.</p>
New Hampshire	<p>All employees: By the next payday, or within 72 hours if the separated employee gives one pay period's notice.</p>	<p>All employees (except those suspended or laid off due to a labor dispute): Within 72 hours of the employee's separation.</p> <p>Employees suspended or laid off due to a labor dispute: By the next payday.</p>	<p>An employer must honor company policy or an agreement that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that willfully fails to pay final wages may be liable for the wages due, or up to 10% of the unpaid wages for each day the final wages remain unpaid, whichever is less. Liquidated damages will not continue after the date a bankruptcy petition is filed, if the employer is eventually adjudicated bankrupt.</p>

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
New Jersey	<p>All employees (except certain employees paid commissions): By the next regular payday.</p> <p>Employee paid commissions: Final pay must include a reasonable estimate of all wages due until the exact amount can be computed.</p>	<p>All employees (except those suspended or laid off due to a labor dispute and certain commissioned employees): By the next regular payday.</p> <p>Employees suspended due to a labor dispute: Final pay may be delayed an additional 10 days if an employee is suspended due to a labor dispute involving employees who prepare the payroll.</p> <p>Employees paid commissions: Final pay must include a reasonable estimate of all wages due until the exact amount can be computed.</p>	<p>Vacation time: An employer must uniformly honor company policy, agreement or union contract that requires the value of accrued vacation time to be paid to a separated employee.</p> <p>Sick leave: An employer is not required to pay out any unused, accrued sick leave upon an employee's separation from employment, unless an employer policy or collective bargaining agreement requires it. If an employee is terminated, laid off, furloughed or otherwise separated from employment and is rehired within six months of the separation, any unused, accrued sick leave must be reinstated.</p>	<p>A sales representative who is separated may sue the principal that fails to pay final commissions. An employer that fails to pay final wages may be liable for administrative fees ranging from 10% of the amount due for a first offense, to 25% of the amount due for the second and subsequent offenses. Administrative penalties ranging from \$250 for a first offense to \$500 for the second and subsequent offenses may also apply.</p>
New Mexico	<p>All employees: By the next payday.</p>	<p>All employees (except certain commissioned, task and piece work employees and those suspended due to a labor dispute): Within five days after the employee's separation if wages due are a fixed and definite amount.</p> <p>Commissioned, task and piece work employees: Within 10 days after the employee's separation.</p> <p>Employees suspended due to a labor dispute: By the next payday.</p>	<p>N/A</p>	<p>An employer that fails to pay final wages may be sued by the employee and may be liable for up to 60 days' unpaid wages. An employer that fails to pay final wages may be guilty of a petty misdemeanor, and/or fined up to \$500 and imprisoned for up to six months for a first offense. Conviction for a second or subsequent offense is a misdemeanor punishable by a fine of up to \$1,000 and/or imprisonment for up to one year. Each violation is a separate offense.</p>

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
New York	By the next payday, and by mail if the employee requests it.	By the next payday, and by mail if the employee requests it.	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee. New York courts have held that an agreement to give benefits or wage supplements, like vacation, can specify that employees lose accrued benefits under certain conditions. The loss of benefits is only valid, however, if the employer has advised employees in writing of the conditions that nullify the benefit.</p> <p>The New York State sick and safe leave law does not require an employer to pay an employee for unused accrued sick leave upon the employee's termination, resignation, retirement or other separation from employment.</p>	<p>An employer that fails to pay final wages may be liable for a \$500 civil fine per violation. Criminal penalties may also apply. For the first offense, an employer may be guilty of a misdemeanor, with fines ranging from \$500 to \$20,000 and/or imprisonment for up to one year; for a second offense within six years, the employer may be guilty of a felony, with fines ranging from \$500 to \$20,000 and/or imprisonment for up to one year and one day.</p>
New York (New York City)	Paid sick leave: N/A	Paid sick leave: N/A	<p>Paid sick leave: Employers covered by the New York City Earned Safe and Sick Time Act (ESSTA) are not required to pay an employee for accrued, unused safe and sick time upon separation of employment (e.g., retirement, resignation, termination). However, if an employer chooses not to pay out such time upon an employee's separation, it should make this clear in its safe and sick leave policy.</p>	Paid sick leave: N/A

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North Carolina	<p>All employees (except certain employees paid commissions and bonuses): By the next payday, paid in the usual manner of payment or by trackable mail if requested by the employee in writing.</p> <p>Employees paid commissions, bonuses or by other forms of calculation: Payment is due on the first regular payday after the amount becomes calculable and is not forfeitable, unless the separated employee has been notified of company policy or practice regarding forfeiture.</p>	<p>All employees (except employees paid commissions, bonuses or by other forms of calculation): By the next payday, paid in the usual manner of payment or by trackable mail if requested by the employee in writing.</p> <p>Employees paid commissions, bonuses or by other forms of calculation: Payment is due on the first regular payday after the amount becomes calculable and is not forfeitable, unless the separated employee has been notified of company policy or practice regarding forfeiture.</p>	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that fails to pay final wages may be liable for the unpaid wages, liquidated damages equal to the amount of unpaid final wages, interest and court costs.</p>
North Dakota	<p>All employees: By the next payday.</p>	<p>All employees (except railroad employees): By the next payday.</p> <p>Railroad employees: Immediately upon separation or the employee's demand.</p>	<p>The value of accrued vacation must be paid to a separated employee, unless the employee voluntarily resigns and was employed for less than one year, gave fewer than five days' notice of resignation and the employer provided written notice of these policies when the employee was hired.</p>	<p>An employer that fails to pay final wages is liable for the final wages, plus up to 30 days' wages payable at the employee's normal rate of pay, plus interest. An employer may be liable for double the amount of unpaid final wages if it was liable for two previous wage claims within one year before the due date, and triple the amount owed if it had three or more previous wage claims.</p>
Ohio	<p>By the next payday.</p>	<p>By the next payday.</p>	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that fails to pay final wages within 30 days, or within 60 days of an uncontested court filing or judgment, may be liable for the unpaid wages plus 6% of the amount due or \$200.</p>
Oklahoma	<p>By the next payday.</p>	<p>By the next payday.</p>	<p>An employer must honor company policy or an agreement that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that fails to pay final wages may be liable for liquidated damages equal to 2% of the unpaid wages per day, or the amount of the unpaid final wages, whichever is less. If the employer is eventually adjudicated bankrupt, liquidated damages will not continue after the date a bankruptcy petition is filed.</p>

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<u>Oregon</u>	<p>Unless a collective bargaining agreement provides otherwise:</p> <ul style="list-style-type: none"> By the end of the first business day after employment ends if the termination is by mutual agreement between the employer and the employee. Immediately if the employee does not have a contract for a definite period of employment and they provide at least 48 hours notice before quitting (not including Saturdays, Sundays and holidays). Employees who quit and do not give at least 48 hours' notice of their termination must be paid their final wages within five days after they quit (excluding Saturdays, Sundays and holidays) or by the next regular payday, whichever occurs first. If the employee is regularly required to submit time sheets and does not turn them in to enable the employer to determine the wages due, the employer must pay the employee an estimate of the final wages due within five days after the employee quits. The remainder of the employee's final wages must be paid within five days after the employer receives the employee's time records. If the termination occurs on a Saturday, Sunday or holiday, all wages due must be paid by the end of the first business day after the employment ends (or the second business day after employment ends if the employment relates to fairs and exhibits). 	<p>Unless a collective bargaining agreement provides otherwise:</p> <ul style="list-style-type: none"> By the end of the first business day after employment ends. If the termination occurs on a Saturday, Sunday or holiday, all wages due must be paid by the end of the first business day after the employment ends (or the second business day after employment ends if the employment relates to fairs and exhibits). If the termination results from the sale of a business or business property and the purchaser employs or continues to employ an individual employed at the business, the above provisions do not apply to the payment of earned but unused accrued holiday leave, sick leave, vacation leave or other leave benefits payable upon termination of employment pursuant to a collective bargaining or other employment agreement or employer policy, if the following conditions are met: <ul style="list-style-type: none"> On the first day of the individual's continued employment the purchaser of the business credits the individual with all earned but unused accrued leave; and The leave, when used, is paid at a rate not less than the rate at which the leave was earned or, if paid at a lesser rate, the number of hours credited is increased to compensate the individual for any difference. <p>Employees who are laid off but will return to work within 35 days may be paid by the next regular payday. If the layoff occurs on a regularly scheduled payday, payment is due on that day.</p>	<p>Although employers are not legally required to offer benefits such as vacation pay, holiday pay, bonuses, sick leave and severance pay, they are examples of wage agreements that may be made as a part of an employee's total compensation. An employer is required to honor any established policy or agreement relating to the payment of such benefits to a covered employee upon termination of employment.</p>	<p>An employer that fails to pay final wages is liable for the amount of final wages due, plus up to 30 days' wages payable at the employee's usual rate of pay, calculated at eight hours a day. Penalties will not be assessed if the employer pays all final wages within five days after the employee submitted a time card. An employer will not be liable for failing to pay final wages if it pays 100% of the amount due within 12 days after receiving notice from the employee.</p>

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Pennsylvania	By the next payday.	By the next payday.	An employer must honor company policy or any other agreement that requires the value of accrued vacation time to be paid to a separated employee who has worked for the employer longer than one year.	An employer that fails to pay final wages more than 30 days after the regularly scheduled payday may be liable for liquidated damages equal to 25% of the unpaid wages, or \$500, whichever amount is greater. An employer that fails to pay final wages or to satisfactorily explain the failure to the Pennsylvania Secretary of Labor within 10 days may be liable for a penalty equal to 10% of the amount due.
Rhode Island	<p>All employees (except those subject to a business reorganization): By the next payday. Certain employers must pay severance pay.</p> <p>Employees subject to a business reorganization: Within 24 hours if the business liquidates, merges or moves to another state.</p>	<p>All employees (except those subject to a business reorganization or suspended due to a labor dispute): By the next payday. Certain employers must pay severance pay.</p> <p>Employees subject to a business reorganization: Within 24 hours if the business liquidates, merges or moves to another state.</p> <p>Employees suspended due to a labor dispute: By the next regular payday.</p>	Vacation pay accrued under company policy must be paid if the employee worked for the employer for at least one year.	An employer that fails to pay final wages is liable for the unpaid wages and may also be liable for liquidated damages equal to twice the amount owed. An employer that fails to pay wages may be guilty of a misdemeanor and fined up to \$400, and/or imprisoned for 10 to 90 days. An employer that pays an employee's unpaid final wages to the Department of Labor and Training may be required to pay an administrative fee of 25% of the amount due for the first offense, and 50% of the amount due for the second and any later offenses.
South Carolina	Within 48 hours after the employee's separation or by the next regular payday, but not more than 30 days after separation.	Within 48 hours after the employee's separation or by the next regular payday, but not more than 30 days after separation.	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that violates the termination pay requirements is subject to a civil penalty of not more than \$100 for each violation. Each failure to pay is a separate offense. In addition, an employee who was not paid as required may recover in a civil action three times the full amount of any unpaid wages, plus costs and reasonable attorneys' fees. Civil actions for the recovery of wages must be commenced within three years after the wages become due.

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
South Dakota	<p>All employees: By the next payday, or as soon thereafter as the separated employee returns any of the employer's property in their possession.</p>	<p>All employees (except those suspended due to a labor dispute): By the next payday, or as soon thereafter as the separated employee returns any of the employer's property in their possession.</p> <p>Employees suspended due to a labor dispute: By the next payday.</p>	N/A	<p>In addition to being liable for the unpaid final wages, an employer that oppressively, fraudulently or maliciously refuses to pay wages when due may be liable for damages equal to twice the amount of wages that should have been paid. An employer that intentionally refuses to pay wages may be guilty of a misdemeanor.</p>
Tennessee	<p>For employers that have at least five employees, by the next payday, or 21 days after the employee's separation, whichever is later.</p>	<p>For employers that have at least five employees, by the next payday, or 21 days after the employee's separation, whichever is later.</p>	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a employee.</p>	<p>An employer that fails to pay final wages may be guilty of a misdemeanor and liable for fines ranging from \$100 to \$500. An employer that commits at least two offenses may be liable for a civil penalty ranging from \$500 to \$1,000 per offense.</p>
Texas	<p>All employees (except certain employees paid commissions or bonuses): By the next payday.</p> <p>Employees paid commissions or bonuses: Payment is due based on the routine or practice specified in an employment agreement, or based on any special agreement made between the employee and the employer upon separation.</p>	<p>All employees (except certain employees paid commissions or bonuses): Within six days after the employee's separation.</p> <p>Employees paid commissions or bonuses: Payment is due based on the routine or practice specified in an employment agreement, or based on any special agreement made between the employee and the employer upon separation..</p>	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that refuses in bad faith to pay final wages may be liable for the unpaid wages or a \$1,000 fine, whichever is less. An employer may be guilty of a third degree felony if it hires or intends to continue to employ an employee with the intent to avoid paying wages and if it fails to pay wages after the employee demands payment.</p>

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Utah	<p>All employees (except certain sales agents paid commissions): By the next payday.</p> <p>Certain sales agents paid commissions: Payment of the commission-based portion of the earnings of a sales agent employed fully or partially on commission who has custody of accounts, money or goods of the employer may be delayed if the net amount due cannot be determined without first conducting an audit or verification of sales, accounts, funds or stocks.</p>	<p>All employees (except certain sales agents paid commissions and employees separated due to a labor dispute): Within 24 hours after the employee's separation.</p> <p>Certain sales agents paid commissions: Payment of the commission-based portion of the earnings of a sales agent employed fully or partially on commission who has custody of accounts, money or goods of the employer may be delayed if the net amount due cannot be determined without first conducting an audit or verification of sales, accounts, funds or stocks.</p> <p>Employees separated due to a labor dispute: By the next payday.</p>	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that fails to pay final wages more than 24 hours after a fired employee's demand is liable for the final wages, plus up to 60 days' wages payable at the employee's usual rate of pay. The employee must sue to recover the final pay.
Vermont	By the next payday, or the next Friday if there is no regularly scheduled payday.	Within 72 hours of the employee's separation.	An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.	An employer that fails to pay final wages may be liable for a \$5,000 fine. Corporate officers may be personally liable for unpaid final wages. An employee may sue an employer for two times the amount of his/her unpaid final wages, plus costs and reasonable attorney fees.
Virginia	By the next payday.	By the next payday.	N/A	An employer that fails to pay final wages will be liable for the unpaid wages, plus 8% interest calculated from the date final wages were required to be paid. An employer that knowingly fails to pay final wages may be liable for a \$1,000 civil fine per offense. An employer that willfully and with intention to defraud fails to pay up to \$9,999 in final wages may be guilty of a misdemeanor; if the amount is \$10,000 or more, the employer may be guilty of a felony.

Jurisdiction	Payment for Voluntary Separation	Payment for Involuntary Separation	Treatment of Accrued Time	Penalties
Washington	By the next payday, unless the employee works for multiple employers in the same industry interchangeably and the employer establishes a plan providing for at least one payday each week, or a collective bargaining agreement provides for payment of final wages at another time.	By the next payday, unless the employee works for multiple employers in the same industry interchangeably and the employer establishes a plan providing for at least one payday each week, or a collective bargaining agreement provides for payment of final wages at another time.	Employers must pay employees for accrued vacation if the employer has a policy or contract providing for it or has promised to pay it to the terminated employee.	An employer that fails to pay final wages may be guilty of a misdemeanor. An employer may be ordered to pay final wages plus interest at 1% per month, calculated from the date final wages became payable. An employer that fails to pay final wages within 30 days of receiving a notice to pay from the DOLI may be liable for the unpaid wages, plus 10% of the amount due. An employer that willfully fails to pay final wages may be liable for a civil penalty equal to \$1,000, or 10% of the amount due, whichever is greater, up to \$20,000.
Washington (Seattle)	Paid sick leave: N/A	Paid sick leave: N/A	Paid sick leave: Employers covered by the Seattle Paid Sick and Safe Time (PSST) Ordinance are not required to pay an employee for accrued, unused PSST upon an employee's termination, resignation, retirement or other separation from employment. However, if an employer chooses to pay out any or all of the PSST balance upon separation, the employee and employer must mutually agree in writing on any terms for reimbursement, unless the right to reimbursement is set forth elsewhere in federal, state or local law, the employer's written policy, or in a collective bargaining agreement.	Paid sick leave: See Paid Sick Leave: Washington .

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West Virginia	<p>By the next regular payday, either in the usual manner of payment or by mail if the employee requests it. If an employee requests payment by mail, the payment will be considered to have been made on the postmark date of the mailed payment.</p> <p>An employer may deduct or withhold a portion of an employee's final wages to cover the replacement cost of employer-provided property valued at more than \$100 that the employee fails to return. Additional requirements apply, including having an advance written agreement to make such a deduction, providing the employee with advance written notification and demand and the opportunity to object to the deduction.</p>	<p>By the next payday, either in the usual manner of payment or by mail if the employee requests it. If an employee requests payment by mail, the payment will be considered to have been made on the postmark date of the mailed payment.</p> <p>An employer may deduct or withhold a portion of an employee's final wages to cover the replacement cost of employer-provided property valued at more than \$100 that the employee fails to return. Additional requirements apply, including having an advance written agreement to make such a deduction, providing the employee with advance written notification and demand and the opportunity to object to the deduction.</p>	<p>Accrued, unused vacation time or other fringe benefits provided by an employer-employee agreement that are due, but by the agreement are to be paid at a future date or upon additional conditions that are ascertainable, must be paid according to the terms of the agreement.</p>	<p>An employer that fails to pay final wages on time may be liable for twice the amount of the unpaid wages as liquidated damages, plus the amount that was not paid when due.</p>
Wisconsin	<p>All employees (except those subject to a business reorganization): By the next payday.</p> <p>Employees subject to a business reorganization: Within 24 hours if the business liquidates, merges or moves to another state.</p>	<p>All employees (except those subject to a business reorganization): By the next payday.</p> <p>Employees subject to a business reorganization: Within 24 hours if the business liquidates, merges or moves to another state.</p>	<p>An employer must honor company policy that requires the value of accrued vacation time to be paid to a separated employee.</p>	<p>An employer that fails to pay final wages may be liable for a \$500 fine and/or imprisoned for up to 90 days for each offense; the employer may also be liable for the unpaid final wages and up to 100% of the amount required to be paid, depending on when payment is made.</p>
Wyoming	<p>All employees: By the next regular payday or the time required by a collective bargaining agreement.</p>	<p>All employees (except those suspended due to a labor dispute): By the next regular payday or the time required by a collective bargaining agreement.</p> <p>Employees suspended due to a labor dispute: By the next payday.</p>	<p>An employer does not have to pay a separated employee the value of accrued vacation time unless a written company policy requires its payment.</p>	<p>An employer that willfully fails to pay final wages is guilty of a misdemeanor and liable for a fine ranging from \$500 to \$750 per offense. In addition to final wages owed, an employee is entitled to 18% interest calculated from the separation date.</p>

Additional Resources[Handle a Separation From Employment Checklist](#)[How to Pay an Employee's Final Wages](#)[Pay an Employee's Final Wages](#)[Permitted and Prohibited Pay Deductions by State](#)**Take XpertHR for a test drive**

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