



Prepared by:

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Solution:

Wage Payment

Close the Compliance Gap

States Included:

Alabama	Illinois	Montana	Rhode Island
Alaska	Indiana	Nebraska	South Carolina
Arizona	Iowa	Nevada	South Dakota
Arkansas	Kansas	New Hampshire	Tennessee
California	Kentucky	New Jersey	Texas
Colorado	Louisiana	New Mexico	Utah
Connecticut	Maine	New York	Vermont
Delaware	Maryland	North Carolina	Virginia
District of Columbia	Massachusetts	North Dakota	Washington
Florida	Michigan	Ohio	West Virginia
Georgia	Minnesota	Oklahoma	Wisconsin
Hawaii	Mississippi	Oregon	Wyoming
Idaho	Missouri	Pennsylvania	

State by State Guidelines



Federal Wage Payment Guidelines

Payroll Card Requirements	<p>Federal law permits payroll cards as follows(1) :</p> <ul style="list-style-type: none">• The Electronic Fund Transfer Act (EFTA) and Regulation E prohibit employers from requiring that employees receive wages only on a payroll card. These authorities are silent with respect to employee consent, however.• Employers must offer their employees at least one payment method in addition to a payroll card.(2)• An employer may offer employees the choice between direct deposit to any account chosen by the employee and a payroll card selected by the employer without violating the EFTA and Regulation E.• The payroll card must carry consumer protections required by Regulation E including disclosures, error resolution procedures, and limited liability for unauthorized transfers.• A payroll card program may violate the Fair Labor Standards Act (FLSA) if employees are required to incur fees (e.g., monthly maintenance charges) that cut into minimum wage or overtime compensation.(3)• An employer should consult applicable state law to determine whether other requirements apply, such as those relating to employee consent, required methods of payment, and full access to wages. <p>15 U.S.C. § 1693 et seq; 12 CFR Part 1005; 29 U.S.C. 201 et seq.</p>
Direct Deposit Requirements	<p>Federal law permits direct deposit as follows:</p> <ul style="list-style-type: none">• Under the EFTA and Regulation E, an employee must be able to select the financial institution if direct deposit is required.• An employer may not require employees to receive their wages by direct deposit to a financial institution chosen by the employer.• An employer may give employees the choice between direct deposit to a financial institution chosen by the employer and receiving wages by another payment method such as cash or check.• The account must carry consumer protections required by Regulation E, including disclosures, error resolution procedures and limited liability for unauthorized transfers.• A direct deposit program may violate the FLSA if participation is required and employees must incur fees (e.g., monthly maintenance charges) that cut into the payment of minimum wage and overtime compensation.• An employer should consult applicable state law to determine whether other requirements apply, such as whether employees must be given the option of receiving a paycheck. <p>15 U.S.C. § 1693 et seq; 12 CFR Part 1005; 29 U.S.C. 201 et seq.; USDOL Field Operations Handbook ¶ 30c00(b).</p>
Electronic Delivery of Wage Statements	<p>Wage statements are not required under the FLSA.</p> <p>Employers wishing to distribute wage statements electronically should consult applicable state law requirements.</p>

(1) The Electronic Funds Transfer Act (EFTA) and its implementing regulation, Regulation E, establish the rights and liabilities of consumers and other participants in electronic fund transfer services including payroll card accounts. 15 U.S.C. § 1693 et. seq., 12 C.F.R. Part 1005. While most of the provisions of the EFTA and Regulation E apply to financial institutions, the compulsory use provisions of the EFTA and Regulation E prohibit employers from requiring their employees to establish an account at a particular financial institution as a condition of employment. 15 U.S.C. §1693k, 12 C.F.R. Part 1005.10(e).

(2) Regulation E defines a "payroll card account" as "an account that is directly or indirectly established through an employer and to which electronic fund transfers of the consumer's wages, salary, or other employee compensation (such as commissions), are made on a recurring basis, whether the account is operated or managed by the employer, a third-party payroll processor, a depository institution or any other person." 12 C.F.R. 1005.2(b)(2).

(3) The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and child labor standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments, and is the primary federal law governing wage and hour issues. 29 U.S.C. § 201 et seq. The FLSA itself does not specifically address permissible methods of wage payment. However, the regulations implementing the FLSA briefly touch upon the issue by requiring the payment of minimum wage and overtime compensation "in cash or negotiable instrument payable at par" and by prohibiting payment using scrip, tokens and similar devices. See 29 C.F.R. §§ 531.27, 531.34.

State by State Guidelines



Wage Payments

ALABAMA	
Payroll Card Requirements	No statutory or regulatory provisions specific to payroll cards. <ul style="list-style-type: none"> • Federal law requires that employees be provided with at least one other payment option. • See federal requirements.
Direct Deposit Requirements	No statutory or regulatory provisions specific to direct deposit. <ul style="list-style-type: none"> • See federal requirements.
Electronic Delivery of Wage Statements	Electronic Wage Statements Acceptable Wage statements are not required in Alabama. <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery.
ALASKA	
Payroll Card Requirements	Payroll Cards may be used as follows: <ul style="list-style-type: none"> • The employee voluntarily consents; • The payroll card is offered as an option along with other authorized payment methods including a paper paycheck; and • The employee can access the entire amount of the earned wages without a fee, at least once each pay period. <p>Letter from Grey Mitchell, Director of the Labor Standards and Safety Division, Alaska Department of Labor and Workforce Development (May 2009). (No statutory or regulatory requirements)</p>
Direct Deposit Requirements	Direct Deposit may be used as follows: <ul style="list-style-type: none"> • The employee voluntarily consents to direct deposit; and • The deposit is to a financial institution chosen by the employee. <p>Alaska Stat. § 23.10.043.</p>
Electronic Delivery of Wage Statements	Electronic Wage Statement Acceptable An employer is required to give each employee a written or electronic wage statement for each pay period. Alaska Admin. Code, tit. 8, § 15.160(h).
ARIZONA	
Payroll Card Requirements	Payroll Cards may be used as follows: <ul style="list-style-type: none"> • The employee consents as follows: • By providing voluntary consent, or • By failing to consent to direct deposit, or to designate a financial institution for direct deposit, after being given the choice between direct deposit and a payroll card. • The employee is able to make one free withdrawal each per pay period; • Except that an employee paid more frequently than weekly must be able to make one free withdrawal each week; and • The employer provides the employee a list of all the fees associated with the payroll card account. <p>Ariz. Rev. Stat. § 23-351(D)(5), (F), (H).</p>
Direct Deposit Requirements	Direct Deposit may be used as follows: <ul style="list-style-type: none"> • The employee consents to direct deposit in writing; • The employee's consent is revocable any time prior to the transmission of wages to the financial institution; • The employee's consent is not considered a prior assignment of wages to the financial institution; • The employee may not be subject to reprimand, discharge or denial of employment for refusing to provide consent; • The deposit is made on the designated payday; • The deposit is made to a financial institution chosen by the employee; • The financial institution is a member of the FDIC or other comparable federal/state agency; and • The employee is able to make at least one withdrawal without charge for each deposit. <p>Ariz. Rev. Stat. § 23-351(D)(4), (E).</p>
Electronic Delivery of Wage Statements	Electronic Wage Statement Acceptable An employer must furnish an employee with a written or electronic wage statement when wages are paid by direct deposit or to a payroll card account. Ariz. Rev. Stat. § 23-351(E), (F).

State by State Guidelines



ARKANSAS	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • Arkansas law is silent with respect to employee consent; • The employer must honor the employee's written request to be paid by check; • The payroll card may not be made a condition of hire or continued employment; and • Any fees incurred to access wages may trigger minimum wages concerns if the fees bring the employee's wages below the statutory minimum wage rate. <p>Correspondence with the Arkansas Dept. Labor (Aug. 27, 2009) (No statutory or regulatory requirements specific to payroll cards).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • Arkansas law is silent with respect to employee consent; • The employee must be able to opt out of direct deposit by providing the employer with a written request to be paid by check; • The employee may demand payment in cash if he or she has ever received a check drawn on an account with insufficient funds; and • The deposit is to the employee's account. <p>Ark. Code §11-4-402(b).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable Wage statements are not required in Arkansas.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery.
CALIFORNIA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the payroll card; • The employee is not required to elect payment via payroll card but may choose another payment method; • The deposit is made to a financial institution that has a place of business in California; • The employee has immediate access to the full amount of the wages on payday; • The employee is allowed at least one transaction each pay period without fee that may be used to access the employee's full wages; • The employee can access his/her wages in cash at an established place of business in California, such as Visa-member financial institutions; and • Wages are available to the employee for at least 30 days after the deposit. <p>Opinion Letter from the Division of Labor Standards Enforcement (July 7, 2008) (Applying the requirements for both paychecks and direct deposit to payroll cards in the absence of statutory or regulatory requirements specific to payroll cards).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to direct deposit; • The deposit is to an account at a financial institution chosen by the employee; and • The employee-selected financial institution has a place of business in California. <p>Cal. Labor Code § 213(d).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable An employer is required to furnish a written wage statement to its employees at the time of wage payment.</p> <p>The Division of Labor Standards Enforcement takes the position that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • Each employee may elect to receive paper wage statements; • Employees who are provided electronic statements are able to access the information and convert the statements to hard copies at no expense on payday; • It is likely that an employer must provide computer terminals for employees to access and print their statements for free while at work. • The electronic wage statements contain all of the information required for written statements; (4) • Electronic wage statements are retained by the employer for at least three years, and are available to current and former employees during that period; and • The system incorporates safeguards to ensure the confidentiality of employee information, such as unique employee identification numbers, confidential PINs, and firewalls. <p>Cal. Labor Code § 226(a) (general wage statement requirement); Opinion Letter from the DLSE (July 6, 2006) (addressing electronic delivery in the absence of specific legislative authority).</p> <p>(4) The requirements for a written wage statement are set forth in California Labor Code section 226(a).</p>

State by State Guidelines



COLORADO	
Payroll Card Requirements	<p>Payroll Cards(5) may be used as follows:</p> <ul style="list-style-type: none">• Colorado law is silent with respect to employee consent;• The employee must be able to either:• Access the full amount of his or her net pay at least once each pay period for free, or• Choose another authorized method of wage payment (e.g., physical check or direct deposit);• Remember, federal law requires that employees be offered at least one other payment option. <p>Colo. Rev. Stat. § 8-4-102(2.5)(a).</p> <p>(5) Colorado defines "pay card" as "an access device that an employee uses to receive his or her payroll funds from his or her employer." Colo. Rev. Stat. § 8-4-102(b).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none">• The employee voluntarily consents to direct deposit;• The employee chooses the financial institution to receive the deposit; and• The employee-selected financial institution is authorized to receive deposits in the United States. <p>Colo. Rev. Stat. § 8-4-102(2).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a written wage statement to each employee at the time of wage payment or at least monthly.</p> <p>The Colorado Department of Labor has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none">• The electronic wage statement is delivered in a timely fashion;• The employee can download or obtain a physical copy of the electronic wage statement; and• The electronic wage statement adheres to the other statutory requirements.(6) <p>Colo. Rev. Stat. § 8-4-103(4) and Colo. Minimum Wage Order No. 31 (general wage statement requirements). Correspondence with Colorado Department of Labor regarding electronic delivery.</p> <p>(6) The statutory requirements for wage statements are set forth in Colorado Revised Statute section 8-4-103(4).</p>

State by State Guidelines



CONNECTICUT	
Payroll Card Requirements	<p>Payroll Cards(7) may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily and expressly consents in writing or electronically to the payroll card; • The employee's consent is provided without intimidation, coercion, or fear of discharge or reprisal from the employer; • Payment to a payroll card account may not be made a condition of employment or the receipt of any benefit or other form of remuneration; • The employee also is given the option of being paid by check or by direct deposit; • Before the employee elects to receive wages or other compensation to a payroll card account, the employer provides the employee with clear and conspicuous written notice of the following: <ul style="list-style-type: none"> o That the payroll card account is voluntary and the employee may instead choose to receive payment by direct deposit or check; o The terms and conditions of the payroll card, including an itemized lists of fees that may be assessed by the card issuer and their amounts; o The methods available to the employee to access full wages or other compensation in cash without fees, and to avoid or minimize fees when using the payroll card, including how to access funds without cost at ATMs, financial institutions, or other convenient locations; o The methods available to check the balance in the payroll card account without cost; o A statement that third parties may assess additional fees; • The employer provides the above notice in the language that it normally uses to communicate employment policies to its employees; • The payroll card account is covered by federal deposit insurance on a pass through basis to the employee; • The employer honors an employee's request to receive wages by direct deposit or check as soon as practicable but not later than the first pay day after fourteen days of receiving the employee's request and any account information necessary to make the change; • The employee is able to make at least three withdrawals from the payroll card account without cost each pay period, but not more frequently than each week; o One of the three withdrawals must permit withdrawal of the employee's full net wages or other compensation for the pay period at a financial institution or other convenient location; • The employee has access to an ATM network with a substantial number of in-network ATMs within the state; • The employee is provided access to his or her account balance through an automated telephone system, ATM or electronically 24 hours a day, 7 days a week without cost; • The employee is not charged fees for issuance of the initial payroll card, transfer of wages or other compensation to the payroll card account, maintenance of the account, or closure of the account; • The employee is not charged fees for inactivity or dormancy of the payroll card account for the first twelve months of inactivity or dormancy, or for maintaining a low balance in the account; • The employee is not charged fees by the employer or card issuer for point-of-sale transactions; • The employee is not charged fees for the first two declined transactions each calendar month; • The employer does not pass any of its costs associated with the payroll card program on to the employee; • The payroll card account is not linked to any form of credit; • The payroll card account does not allow for overdrafts, to the extent feasible, and the employee is not charged a fee or interest when an overdraft does occur; • The employee is provided transaction histories and change in terms notices in accordance with federal law; • The employee is provided the option of receiving automatic written transaction histories without cost on a monthly basis for at least twelve months, and the option of renewing the arrangement every twelve months; • The employee is provided one replacement card each calendar year without fees, upon request; • The employee is provided a replacement card without fees prior to the card's expiration date unless the account is no longer used for the receipt of wages or other compensation from the employer and has not received a transfer of wages or other compensation from the employer for at least 60 days; • The funds in the payroll card account do not expire but may be subject to the rules governing abandoned property; • The payroll card account is not subject to the claims of the employer's creditors, and is exempt from execution and attachment in accordance with state law, if used only to receive wages or other compensation; • The payment system does not affect the terms of a collective bargaining agreement with respect to method of wage payment; • The employer's obligations listed above end sixty days after the employment relationship has ended. <p>Conn. Public Act No. 16-125.</p> <p>(7) Connecticut defines a "payroll card" as "a stored value card or other device used by an employee to access wages from a payroll card account and that is redeemable at the employee's election at multiple unaffiliated merchants or service providers, bank branches or automated teller machines." "Payroll card account" means "an account in any bank, Connecticut credit union or federal credit union that is directly or indirectly established through an employer to which transfers of the employee's wages, salary or other compensation are made and accessed through the use of a payroll card and that is subject to the requirements of Regulation E, 12 CFR Part 1005, as from time to time amended." Conn. Public Act. No. 16-125.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit by submitting a written or electronic request to the employer. <p>Conn. Gen. Stat. § 31-71b(a).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a written wage statement to each employee with each wage payment.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee has provided explicit consent to the electronic format; • The employer provides a means for each employee to securely, privately and conveniently access and print the statement; and • The employer incorporates reasonable safeguards to protect the confidentiality of the employee's personal information set forth in the statement. <p>Conn. Public Act No. 16-125; Conn. Gen. Stat. § 31-13a.</p>

State by State Guidelines



DELAWARE	
Payroll Card Requirements	<p>Payroll Cards(8) may be used as follows:</p> <ul style="list-style-type: none"> • Delaware law is silent with respect to employee consent; • The payroll card must be the functional equivalent of cash or a check, meaning that the employee is able to access the full amount of his or her wages without cost on payday; • Access to full wages must be provided at a bank or other business establishment convenient to the place of employment; and • Remember, federal law requires that employees be offered at least one other payment option. <p>19 Del. Admin. Code §1324-1.0, et seq.</p> <p>(8) Delaware defines a "payroll debit card" as "a card that provides an employee with the appropriate means of obtaining all wages earned in a defined pay period in a form that is the equivalent of payment by cash, check, or direct deposit." 19 Del. Admin. Code § 1324-1.8.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit by submitting a written request to the employer; and • The deposit is to a bank account designated by the employee. <p>19 Del. Code § 1102(a).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a written or electronic wage statement to each employee at the time of wage payment.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The electronic wage statement is capable of being retained by the employee; and • A written copy of the electronic wage statement is provided to the employee upon request. <p>19 Del. Code § 1108(4).</p>
DISTRICT OF COLUMBIA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the deposit; and • The employee can access the full amount of the wages on payday for free. <p>D.C. Department of Employment Services, Office of Labor Standards (No statutory or regulatory provisions regarding payroll cards).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to direct deposit; and • The deposit is made without any fees. <p>D.C. Department of Employment Services, Office of Labor Standards (No statutory or regulatory provisions regarding direct deposit).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a wage statement at the time of wage payment. The regulation is silent with respect to method of delivery.</p> <p>The Department of Employment Services has stated that an employer may use electronic format if:</p> <ul style="list-style-type: none"> • The employee has, or is provided with, a means of printing a physical copy of the statement. <p>Code of D.C. Muni. Regs. § 7-911.2 (general wage statement requirements); Conversation with the Department of Employment Services regarding electronic delivery in the absence of statutory or regulatory authority.</p>

State by State Guidelines



FLORIDA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • Florida law is silent with respect to employee consent; • The employee is able to access his or her full wages in cash, without cost, at an established place of business in the state; • The name and address of the established place of business must appear on the payroll card or in the payroll card issuing materials; • At the time of issuance and for at least 30 days thereafter, the maker or drawer must have sufficient funds or an arrangement with the drawee to allow for full payment; and • Remember, federal law requires that employees be offered at least one other payment option. <p>Fla. Stat. § 532.01.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit in writing; • The employee designates in writing the financial institution of his or her choice; • The deposit is to the employee's account at the designated financial institution; • The employer has sufficient funds or credit at the time it orders payment, or an arrangement with the financial institution for payment; and • The employee is not subject to termination for refusing to authorize direct deposit. <p>Fla. Stat. § 532.04(1).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable Wage statements are not required in Florida.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery.
GEORGIA	
Payroll Card Requirements	<p>Payroll Cards(9) may be used as follows:</p> <ul style="list-style-type: none"> • Georgia law is silent with respect to employee consent; • Payments are made to the payroll card account on the designated paydays, at least twice a month; • The payments correspond to the full net amount of wages due for the pay period; • The employer provides employees with a written explanation of any fees associated with the payroll card account; and • The written explanation of fees is provided to all employees at least 30 days before the payroll card program is first made available and, thereafter, to employees at the time of hiring <p>Ga. Stat. §§ 34-7-2(b), (c).</p> <p>(9) Georgia defines "payroll card account" as "an account that is directly or indirectly established through a person, firm, or corporation employing waged workers or other employees and to which electronic fund transfers of the wages or salary of such employees are made on a recurring basis, whether the account is operated or managed by such person, firm, or corporation or a third-party processor, a depository institution, or any other person." Ga. Stat. § 34-7-2(a).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit; • The deposit is to the employee's account at a financial institution; • The financial institution is authorized to receive deposits in the United States; • The deposits are made on the designated payday, at least twice a month; and • The deposits are for the full net amount of wages due for the pay period. <p>Ga. Stat. § 34-7-2(b).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable Wage statements generally are not required in Georgia.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery. <p>Special rules apply to labor pool employers.(10) Labor pool or worksite employers must provide temporary workers with wage statements.</p> <ul style="list-style-type: none"> • Method of delivery is not specified. <p>Ga. Stat. § 34-10-2(4).</p> <p>(10) "Labor pools" are businesses that contract with others to supply them with temporary employees for short-term assignments of casual labor, and hire person to fill those contracts for short term assignments. Ga. Stat. §34-10-1.</p>

State by State Guidelines



HAWAII Payroll Card Requirements	<p>Payroll Cards(11) may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents in writing or electronically to the payroll card; • The employee's consent is obtained after the employee receives information about all of his or her payment options; • The employee's consent is provided without intimidation, coercion, or fear of penalty; • Participation in the payroll card program is not made a condition of hire or continued employment; • The employee is given the option of being paid by check, direct deposit to an account selected by the employee or a payroll card; • The employer provides the employee with the following information before the employee consents to the payroll card: a description of all of the employee's wage payment options; a fee schedule in a form that may be retained by the employee; a statement as to whether third parties may charge additional fees; and a list of services available to the employee; • The information is provided to the employee in writing, in at least 10 point type, • The payroll card is issued by a federally insured depository institution and is branded; • The payroll card account is eligible for deposit insurance on a pass-through basis if a pooled account is used; • The employee's subaccount is for the sole and exclusive benefit of the employee and is not subject to the claims of the employer's creditors; • The employer deposits wages into the employee's payroll card account on or before the designated payday; • The employer honors a written request by the employee to change payment method within two pay periods of the request; • The employee is able to make at least three free withdrawals from the payroll card each pay period without cost; • At least one of the three withdrawals permits access to the full amount of the employee's net wages on the card at a federally insured depository institution or the institution's affiliated ATMs; • The employee is not charged fees for application, initiation, transfer, loading of wages by the employer, participation, or distribution of the initial payroll card; • The employee is not charged overdraft fees, fees for an overdraft service, or fees based on account balance; • The employer is responsible for fees charged to the employee that are not listed on the fee schedule; • The employee is provided access to his or her account balance online and by telephone 24 hours a day, 7 days a week without charge; • The employee has ready access to an electronic transaction history covering at least the 60 days preceding the date the employee accesses the account; • The employee is provided a written history of account transactions in response to the employee's oral, written or electronic request, covering at least 60 days prior to the request; • The employee is provided one replacement card a year without charge at least 15 days before the card's expiration date unless the account has been inactive for at least 12 months or the employee is no longer employed by the employer; • The employee is provided written notice of any changes to the payroll card program, including any changes in the fee schedule, at least 21 days before the change takes effect; • The written notice is in plain language, in at least ten-point font; • The employee is provided a pay statement and other recordkeeping requirements are met; • The employee is able to close the payroll card account and obtain payment of the remaining balance without fees; • The funds in the payroll card account do not expire; and • The issuer may close the account after six continuous months of inactivity upon reasonable notice to the employee and the remaining funds in the account are paid to the employee at no cost. <p>Haw. Rev. Stat. §§ 388-1, 388-5.7.</p> <p>(11) Hawaii defines "pay card" as "a prepaid debit card distributed to an employee by an employer, or by another entity by arrangement with the employer, through which the employer provides the employee access to the employee's wages and is: (1) Issued by a federally insured depository institution authorized to accept deposits; and (2) Used by an employee to access wages from a pay card account and is redeemable at multiple unaffiliated merchants or service providers or automated teller machines." "Pay card account" is defined as "an account that is directly or indirectly established by an employer and to which transfers of the employee's wages are made." Haw. Rev. Stat. § 388-1.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to direct deposit in writing or electronically; • The employee is not subject to discipline or other penalty for consenting, or refusing to consent, to direct deposit; • The deposit is to the employee's account at a federally insured depository institution; • The employee chooses the account and financial institution; • The deposits are insured by the FDIC or a comparable federal or state agency; • The employee is able to cancel the direct deposit at any time with reasonable notice; • The employee is provided a pay statement; • The employee is not required to pay any costs or fees for the direct deposit of wages into the employee's account; and • The employer is responsible for any special handling fees imposed by the bank because insufficient funds were available in the employer's account to cover the wage payment. <p>Haw. Rev. Stat §§ 388-2, 388-5.5.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a written or electronic wage statement every pay period.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee authorizes electronic delivery in writing; • The employee is able to access the statement electronically; and • The employer retains the records for at least 6 years. <p>The Department of Labor and Industrial Relations website identifies the following additional conditions:</p> <ul style="list-style-type: none"> • The employee must be permitted to withdraw his or her authorization at any time; • The employee must have access to equipment to print the statement; and • The employee must be given specific written instructions regarding the retrieval of the statement. <p>Haw. Rev. Stat. §§ 387-6(c), 388-7(4); Haw. Code R. 12-21-5(b); Hawaii Department of Labor and Industrial Relations, Direct Deposits, Debit Cards, Electronic Pay Statements, available at http://labor.hawaii.gov/wsd/direct-deposits-debit-cards-electronic-pay-statements-2/.</p>

State by State Guidelines



IDAHO	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none">• The employee voluntarily consents to the payroll card;• The employee is allowed to withdraw his or her consent;• The employee receives the full amount of his or her wages on each regular pay day; and• The employee receives a physical paycheck if he or she does not consent or withdraws consent. <p>Correspondence with Idaho Department of Labor (February 10, 2009) in the absence of statutory or regulatory requirements specific to payroll cards.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none">• The employee voluntarily consents to the deposit;• The employee is allowed to revoke his or her consent; and• The deposit is to an account at a financial institution chosen by the employee. <p>Idaho Code § 45-608(1).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a statement of deductions for each pay period deductions are made. The statute is silent with respect to method of delivery.</p> <p>The Idaho Department of Labor has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none">• The employee can easily retrieve and make a copy of the statement; and• The employee actually receives the statement. <p>Idaho Code § 45-609(2) (general wage statement requirements); Conversation with Idaho Department of Labor in the absence of statutory or regulatory authority.</p>

State by State Guidelines



ILLINOIS	
Payroll Card Requirements	<p>Payroll Cards(12) may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the payroll card; • The employee's consent is provided in writing or electronically; • The receipt of wages using a payroll card is not made a condition of employment or a condition of receiving any benefit or compensation; • The employee is not lead to believe that the payroll card is a condition of hire or that non-acceptance would adversely affect employment or working conditions; • All employees are offered a payroll card; • The employer also offers payment by check (or, at the employer's discretion, payment in cash); • Before paying wages to the payroll card account, the employer provides the employee with a clear and conspicuous written disclosure that: • Lists the payment options offered by the employer and notifies the employee that the payroll card option is voluntary; • Explains the terms and conditions of the payroll card account including an itemization of all fees by the employer or payroll card issuer and a notice that third parties may access additional fees; and • Explains how the employee may without cost obtain his or her full net wages, check the account balance, and request a written or electronic transaction history; • The employee is able to withdraw full net wages without cost at least once per pay period, but not less than twice per month, at a location that is a reasonable distance from the employee's home or place of work; • If requested, the employee is provided one transaction history each month at no cost; • The employee may request that the transaction history be in paper or electronic form; • The employee has unlimited access to the account balance over the telephone without incurring a fee; • The program does not charge the employee fees for point of sale transactions, participation in the payroll card program, or the application, initiation or loading of wages by the employer; • The employee is not charged fees for account inactivity unless the account has been inactive for a year; • The account is not linked to any form of credit including overdraft fees, overdraft service fees, a loan against future pay, or a cash advance on future pay or future work; • The employee is offered two declined transactions each month without cost; • Fees for subsequent declined transactions are commercially reasonable and are limited to covering the cost of the declined transaction; • The employee is provided state and federal protections against unauthorized use of the card; • The employer grants the employee's request to be paid using another allowable method within two pay periods of the employee's request; and • Within 30 days of the end of the employment relationship, the employer notifies the employee that the terms and conditions of the account may change if he or she continues the relationship with the payroll card issuer. <p>820 ILCS §115/14.5; 56 Ill. Admin. Code § 300.600; Illinois Department of Labor, Electronic Payroll Debit/Credit Cards for Payment of Wages, available at http://www.illinois.gov/idol/laws-rules/fls/pages/debit-credit-cards.aspx.</p> <p>(12) Illinois defines "payroll card" as "a card provided to an employee by an employer or other payroll card issuer as a means of accessing the employee's payroll card account." "Payroll card account" is defined as "an account that is directly or indirectly established through an employer and to which deposits of a participating employee's wages are made." 820 ILCS §115/2.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to direct deposit; • The employee is not lead to believe that direct deposit is a condition of hire or that non-acceptance would adversely affect employment or working conditions; • The employer also offers payment by check (or, at the employer's discretion, payment in cash); • The employee voluntarily designates the financial institution; and • All employees are offered direct deposit as an option. <p>820 ILCS § 115/4; 56 Ill Admin. Code § 300.600.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statements Acceptable</p> <p>An employer is required to furnish each employee with a written wage statement to an employee for each pay period. The employer may use an electronic format so long as:</p> <ul style="list-style-type: none"> • Statements are posted in a timely manner; and • Employees are able to access and print their statements. <p>820 ILCS § 115/10, 56 Ill. Admin. Code 300.630 (requiring that the statement be in writing); See also 5 ILCS § 70/1.15 (rule of statutory construction defining "in writing" to include printing and electronic representations); Correspondence with Illinois Department of Labor regarding electronic delivery. (September 30, 2014).</p>

State by State Guidelines



INDIANA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • Indiana is silent with respect to employee consent; • The card is attached to a FDIC insured bank account; • The employee is able to withdraw his or her full net wages without cost at least once each pay period; and • The employee is offered another payment option. <p>A. Peter Rimsans, Deputy Commissioner, Indiana Department of Labor, (July 10, 2003); Correspondence with the Indiana Department of Labor (No statutory or regulatory requirements specific to payroll cards).(13)</p> <p>(13) The Indiana Department of Labor has cautioned that it does not have authority to issue formal opinion letters and that the July, 10, 2003 letter represents one person's analysis.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • An employer may require direct deposit; • The employee designates the financial institution that will receive the deposit. <p>Ind. Code §§ 22-2-4-1(b), 22-2-5-1(a); Indiana Department of Labor, Wage and Hour FAQs, available at http://www.in.gov/dol/2345.htm#108.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish employees with a wage statement each pay period. The statute is silent with respect to method of delivery.</p> <ul style="list-style-type: none"> • The Indiana Department of Labor's website states that electronic delivery is permitted. The employee should have ready access to the information. <p>Indiana Code § 22-2-2-8(b) (general wage statement requirements); Wage and Hour FAQs, available at http://www.in.gov/dol/2345.htm#108.</p>
IOWA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to the payroll card in writing; • The funds are available to the employee on or before pay day; and • The employee can access all wages due without a fee or charge. The number of free transactions required per pay period will depend on the amount of pay and the card's transaction limit. <p>Iowa Division of Labor Wage FAQs, available at http://www.iowaworkforce.org/labor/wagefaqs.pdf (No statutory or regulatory requirements specific to payroll cards).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit (see exception before for certain employees hired on or after July 1, 2005); • The employee chooses the financial institution for the deposit; • The employee's wages are deposited on or before the regular payday; • An employee hired on or after July 1, 2005, may be required, as a condition of employment, to participate in direct deposit provided: <ul style="list-style-type: none"> o The employee chooses the financial institution; o The employee's cost of opening and maintaining the account does not reduce his or her pay below the statutory minimum; o The employee does not incur a charge as a result of the direct deposit; and o The employee is not covered by a union contract that prohibits mandatory direct deposit. <p>Iowa Code § 91A.3(3); Iowa Division of Labor Wage FAQs, available at http://www.iowaworkforce.org/labor/wagefaqs.pdf.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide each employee with a written or electronic wage statement on each regular payday.</p> <p>The employer can use electronic format if:</p> <ul style="list-style-type: none"> • The employer provides the employee with access to view the electronic statement; and • The employer provides the employee with free and unrestricted access to a printer to print the statement if the employee chooses. <p>Iowa Code § 91A.6(4); Iowa Division of Labor Wage FAQs, available at http://www.iowaworkforce.org/labor/wagefaqs.pdf.</p>

State by State Guidelines



KANSAS	
Payroll Card Requirements	<p>Payroll Cards(14) may be used as follows:</p> <ul style="list-style-type: none"> • Kansas law is silent with respect to employee consent; • The employee is provided at least one means of withdrawing up to his or her total net pay each pay period without cost; • The employer does not retain any interest in funds transferred to a payroll card account, except the right to correct inadvertent overpayments; • The employer does not charge employees initiation, loading or other participation fees to receive the wages on the payroll card; • An employee may be required to cover the cost of replacing a lost, stolen or damaged payroll card; and • At least thirty days before implementing a program offering payroll cards and direct deposit only, the employer either conducts educational forums or distributes educational materials about the use of direct deposit and payroll cards under the employer's program. <p>Kansas Stat. § 44-314(b)-(g).</p> <p>(14) Kansas defines "payroll card" as "a card, issued to an employer by an employer ... or other entity on behalf of an employer, onto which an employee's net wages are loaded on regular paydays from a payroll card account and made accessible to an employee." Kansas Stat. § 44-314(g)(1). A "payroll card account" is "an account into which an employer deposits each participating employee's net wages on regular paydays through an electronic fund transfer." Kansas Stat. § 44-314(g)(3).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used follows:</p> <ul style="list-style-type: none"> • Kansas law is silent with respect to employee consent; • The deposit is to a financial institution account designated by the employee; • The employer offers an alternative method of payment as a default for employees who do not designate an account for direct deposit; and • At least thirty days before implementing a program offering payroll cards and direct deposit only, the employer either conducts educational forums or distributes educational materials about the use of direct deposit and payroll cards under the employer's program <p>Kansas Stat. § 44-314(b), (c), (e).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to an employee upon request. The statute is silent with respect to method of delivery. The Kansas Department of Labor has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer provides the employee with access to and the ability to print the wage statement while at work and at no cost to the employee. <p>Kansas Stat. § 44-320(d) (general wage statement requirements); Conversation with Kansas Department of Labor regarding electronic delivery in the absence of specific statutory or regulation authority.</p>
KENTUCKY	
Payroll Card Requirements	<p>Payroll Cards may be used if:</p> <ul style="list-style-type: none"> • Kentucky law is silent with respect to employee consent; • Remember, federal law requires that employees be offered at least one other payment option; • The payroll card account provides the employee with the ability to make at least one withdrawal each pay period without charge for any amount up to the full account balance; and • The employee is not charged an activation fee. <p>Ky. Rev. Stat. § 337.010(1)(c) (effective June 29, 2017).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used if:</p> <ul style="list-style-type: none"> • An employer may require direct deposit; • Remember, when direct deposit is required, federal law requires that the employee be able to choose the financial institution that will receive the deposit; and • The employee is able to withdraw his or her entire net pay without incurring a fee. <p>Ky. Rev. Stat. §337.010(1)(c) (effective June 29, 2017); Ky. OAG Op. 83-459 (Nov. 30, 1983); Kentucky Labor Cabinet, Frequently Asked Questions, available at http://www.labor.ky.gov/dows/doesam/Pages/Frequently-Asked-Questions.aspx.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer with ten or more employees is required to furnish each employee a paper or electronic wage statement at the time of wage payment.</p> <p>An electronic format may be used if:</p> <ul style="list-style-type: none"> • The employer provides access to a computer and printer so that employees may review and print the statement. <p>Ky. Rev. Stat. § 337.070 (effective June 29, 2017).</p>
LOUISIANA	
Payroll Card Requirements	<p>No statutory or regulatory provisions specific to payroll cards.</p> <ul style="list-style-type: none"> • Federal law requires that employees be provided with at least one other payment option. • See federal requirements.
Direct Deposit Requirements	<p>No statutory or regulatory provisions specific to direct deposit.</p> <p>See federal requirements.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>Wage statements are not required in Louisiana.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide the statements may determine the method of delivery.

State by State Guidelines



MAINE	
Payroll Card Requirements	<p>Payroll Cards(15) may be used as follows:</p> <ul style="list-style-type: none"> • Maine law is silent with respect to consent; • The employee must be able to either: <ul style="list-style-type: none"> o Make an initial withdrawal of his or her entire net wages each pay period at no cost to the employee, or o Choose another means of payment that involves no additional cost to the employee. • Remember, federal law requires that employees be provided with at least one other payment option such as direct deposit. <p>26 Maine Rev. Stat. § 663(5).</p> <p>(15) Maine law address payment by direct deposit, automated teller machine card or other electronic transfers. 26 Maine Rev. Stat. § 663(5).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • Maine law is silent with respect to consent; • The employee must be able to either: <ul style="list-style-type: none"> o Make an initial withdrawal of his or her entire net wages each pay period at no cost to the employee, or o Choose another means of payment that involves no additional cost to the employee. • Remember, when direct deposit is required, federal law requires that the employee be able to choose the financial institution that will receive the deposit. <p>26 Maine Rev. Stat. § 663(5).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a wage statement to each employee with each wage payment.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer provides a method for the employee to have ready access to, and print, the wage statement information without cost to the employee. <p>26 Maine Rev. Stat. § 665(1).</p>
MARYLAND	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to the payroll card; • The employee is able to access his or her wages through withdrawal, purchase, or transfer; • Any fees are disclosed to the employee in writing in at least 12 point font; and • The employer does not print the employee's Social Security number on any notice of payment. <p>Md. Lab. & Empl. Code §§ 3-502(d), (e)(2).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit; • The deposit is to the employee's personal bank account; and • The employer does not print the employee's Social Security number on any notice of deposit. <p>Md. Lab. & Empl. Code § 3-502(d), (e)(1); 79 Md. Op. Att'y Gen. 340 (1994).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to give each employee a wage statement for each pay period. The statute does not address method of delivery. The Maryland Department of Labor, Licensing and Regulation has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer provides the employee with access to a computer to access the wage statement; • The employer provides the employee with the capability to print the wage statement; • The wage statement information is provided to the employee on the same day the paycheck is received by the employee or deposited into the employee's account; • The employer maintains a record or method to verify that the employee was provided with access to the wage statement information; and • The employer maintains the payroll information for at least 3 years. <p>Md. Lab. & Empl. Code § 3-504(a)(2) (general wage statement requirements); Correspondence with Maryland Department of Labor, Licensing and Regulation regarding electronic delivery.</p>

State by State Guidelines



MASSACHUSETTS	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none">• Massachusetts law is silent with respect to employee consent;• The employee is able to elect another payment method such as direct deposit to a financial institution chosen by the employee;• The employee is able to revert to direct deposit (or another payment method offered by the employer) after choosing a payroll card;• The employee must be able to access his or her full net wages at least once per pay period without charge at a location within a reasonable distance of the workplace;• Any fees incurred after the initial transaction must be disclosed to the employees; and• Staffing agencies and employers contracting with staffing agencies may not charge or accept a fee from an employee that exceeds the actual cost of the payroll card. <p>Mass. Gen. Law ch. 167B, § 7(2); Mass. Gen. Law Ch. 149, § 159C(c)(3) (staffing agencies); Letter from Office of the Massachusetts Attorney General, Fair Labor and Business Practices (December 21, 2007).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none">• An employer may require direct deposit so long as the employee is allowed to select the financial institution that will receive the deposit. <p>Mass. Gen. Law ch. 167B, § 7(2); Massachusetts Division of Banks, Opinions 04-041 (2004), 00-148 (2000).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to an employee when paying the employee. The statute does not require a particular method of delivery.</p> <p>The Massachusetts Attorney General's Office has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none">• The employee has access to a printer; and• The employee can print the wage statement. <p>Mass. Gen. Law ch. 149, §§ 148, 150A (general wage statement requirements); Correspondence with Massachusetts Attorney General's Office regarding electronic delivery.</p>

State by State Guidelines



MICHIGAN	
Payroll Card Requirements	<p>Payroll Cards(16) may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to the payroll card as follows: <ul style="list-style-type: none"> o By providing voluntary written consent obtained without intimidation, coercion, or fear of reprisal, or o By failing to return a payment selection form that offers the employee the choice between direct deposit and a payroll card, as discussed below; • The employee is able to make at least one withdrawal or transfer each pay period (but not more frequently than once per week) without charge for any amount up to the balance accessible through the card; • The employer provides the employee with written notice of the following before the card is issued to the employee: the terms and conditions of the payroll card; the fees that may be assessed by the card issuer; and a statement that third parties may impose additional fees; • The employee is able to make unlimited balance inquiries without charge, either electronically or by telephone; • The employee does not pay any fees or costs incurred by the employer in connection with paying wages, or establishing a process to pay wages, by payroll card; • The payroll card is not linked to any form of credit, including a loan against future pay or a cash advance on future pay; • The employee receives written notice of any change to fees or terms of service, at least 21 days before the change becomes effective; • The employee owns the wages paid to the payroll card; • Neither the payroll card issuer nor the bank have a reversionary interest in the funds; and • If the payroll card account is a pooled account, the employer must retain records of each deposit sent to the payroll card issuer showing the amount of wages deposited for each employee and the date of the deposit. Each cardholder's ownership interest in the funds also must be indicated on records maintained by the card issuer, the depository institution, or a third party; • An employer may give employees the choice of receiving wages through direct deposit or a payroll card if: <ul style="list-style-type: none"> • The employer provides the employee with a written form setting forth the employee's wage payment options; • The employee is notified that failure to return the form within 30 days with the account information necessary to implement direct deposit will be presumed to indicate consent to a payroll card (unless the employee already is paid by direct deposit); • The employer provides the employee with written notice of (a) the terms and conditions for the payroll card's use, including an itemized list of all fees, (b) the methods for accessing wages without charge, (c) the potential to be charged fees by both the payroll card issuer and the ATM operator if the payroll card is used outside of the specified ATM network, (d) the methods to obtain free balance inquiries, (e) the employee's right to change the method of receiving wages to direct deposit at any time, and (f) the fact that the payroll card does not provide access to a savings or checking account; • The employee is allowed to change to direct deposit freely, without intimidation or fear of reprisal; and • The employer implements an employee's request to change to direct deposit within one pay period from receiving the employee's request and any information necessary to implement the change. <p>MCLS 408.476; Mich. Admin. Code R. 408.9035.</p> <p>(16) Michigan uses the term "payroll debit card" defined as a "stored-value card issued by or on behalf of a federally insured financial institution that provides an employee with immediate access for withdrawal or transfer of his or her wages through a network of automatic teller machines." MCLS § 408.476(9).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the deposit in writing; • The employee's consent is obtained without intimidation, coercion or fear of reprisal; • The deposit is made to the employee's account at a financial institution; and • The employee does not pay any fees or costs incurred by the employer in connection with paying wages, or establishing a process to pay wages, by direct deposit. <p>MCLS § 408.476(1)(c), (2), (7).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to each employee at the time of wage payment. The statement must be in a retainable form. The website of the Michigan Department of Licensing and Regulatory Affairs states that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee has the ability to print the statement at the time wages are paid; and • The manner of obtaining the wage statements is consistent throughout the company. <p>MCLS § 408.479(2) and Mich. Admin. Code R. 408.9012 (general wage statement requirements); Department of Labor, Licensing and Regulatory Affairs, Wage Statements (addressing electronic delivery in the absence of statutory or regulatory authority), available at http://www.michigan.gov/lara/0,4601,7-154-61256_11407_59886_27856-101125--,00.html.</p>

State by State Guidelines



MINNESOTA	
Payroll Card Requirements	<p>Payroll Cards(17) may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the payroll card in writing; • The employee's consent is not made a condition of hire or continued employment; • The employee's written consent includes the terms and conditions of the payroll card and is signed by the employee; • A copy of the employee's signed written consent is provided to the employee and retained by the employer; • The payroll card issuer has registered with the Labor Commissioner; • The employee owns the wages transferred to the payroll card account; • The employee is able to make one free withdrawal of his or her full net wages on or after payday; • The employer provides the employee with the following written disclosures when offering the employee a payroll card: (a) all of the employee's wage payment options, (b) the terms and conditions of the payroll card, including all of the requirements of § 177.255 and a complete itemized list of all fees, including dollar amount, that may be deducted by the employer or payroll card issuer, (c) that third parties may assess additional transaction fees; • Upon request, the employer provides the employee with one transaction history per month without fee or charge; • The payroll card may not be linked to any form of credit, including a loan against future pay or a cash advance; • Information generated by the employee's possession or use of the payroll card is used only to process transactions or administer the payroll card account, unless the employee consents in writing to another use; • If the employer offers a payroll account option to employees in languages other than English, the written disclosure, consent, and all account agreements are provided in that language; • Upon request, the employer provides the employee with a form that can be used to change the method of wage payment to a different allowable method; • The employer begins payment to another allowable method within 14 days of the employee's change request; • The employee may not be charged any initiation, participation, loading or other fees to receive wages to a payroll card account; • The employee may not be charged inactivity or dormancy fees; and • The employer and payroll card issuer may not charge or deduct any fees that were not disclosed to the employee. <p>Minn. Stat. §§ 177.23(4), 177.255.</p> <p>(17) Minnesota defines "payroll card" as "a card issued to an employee by an employer or other payroll card issuer to access funds from the employee's ... payroll card account." "Payroll card account" is defined as "an agreement providing that an employer pays each participating employee's wages by making an electronic fund transfer to an account, and participating employees receive a payroll card to access their funds." Minn. Stat. § 177.255(a),(b).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee does not object, in writing, to direct deposit; and • The deposit is to a demand deposit account chosen by the employee. <p>Minn. Stat. § 177.23(4).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a written or electronic wage statement to each employee at the end of each pay period.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer provides the employee with access to a computer during the employee's regular working hours to review and print the wage statement; and • The employer has not received at least 24 hours' notice from the employee that he or she would like to receive the wage statements in written form. <p>Once a request for a written statement has been made, the employer must comply with it on an ongoing basis.</p> <p>Minn. Stat. § 181.032(a),(c).</p>
MISSISSIPPI	
Payroll Card Requirements	<p>No statutory or regulatory requirements specific to payroll cards.</p> <ul style="list-style-type: none"> • Federal law requires that employees be provided with at least one other payment option; • See federal requirements.
Direct Deposit Requirements	<p>No statutory or regulatory requirements specific to direct deposit.</p> <ul style="list-style-type: none"> • See federal requirements.
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>Wage statements are not required in Mississippi.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery.

State by State Guidelines



MISSOURI	
Payroll Card Requirements	<p>No statutory or regulatory requirements specific to payroll cards.</p> <ul style="list-style-type: none"> • Federal law requires that employees be provided with at least one other payment option; • See federal requirements.
Direct Deposit Requirements	<p>No statutory or regulatory requirements specific to direct deposit.</p> <ul style="list-style-type: none"> • See federal requirements.
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish employees with a wage statement at least once each month. The statute does not require a particular method of delivery.</p> <ul style="list-style-type: none"> • The Missouri Department of Labor and Industrial Relations has advised that it is not aware of anything that would prohibit electronic delivery. <p>Mo. Rev. Stat. § 290.080 (general wages statement requirements); Conversation with Missouri Department of Labor and Industrial Relations regarding electronic delivery.</p>
MONTANA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents ("opt in") to the payroll card; <ul style="list-style-type: none"> o The employee's consent is in writing or electronic; o The employer retains a record of the employee's consent; • The employee is also given the option of receiving the wages via check (or cash, if the employer prefers), without having to take extraordinary steps to obtain the check; • The employee can withdraw his or her consent and request to be paid via check (or cash, if the employer prefer); • The employee is able to access his or her full wages in cash through an initial withdrawal each pay period, without incurring a fee; • The employee is not charged a fee simply for failing to access wages within a certain amount of time; and • The employer provides clear and understandable guidelines identifying the charges associated with use of the payroll card. <p>Mont. Code § 39-3-204(2); Electronic Wage Payment FAQs, Montana Department of Labor & Industries, available at http://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/electronic-wage-payment-faq (No statutory or regulatory requirements).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents ("opts in") to direct deposit; • The employee's consent is in writing or electronic; • The employer retains a record of the employee's consent; and • The employee is not required to select an electronic payment method. <p>Mont. Code § 39-3-204(2); Electronic Wage Payment FAQs, Montana Department of Labor & Industries, available at http://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/electronic-wage-payment-faq.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to give a wage statement to an employee when paying the employee. The statute does not address method of delivery. The Department of Labor and Industries Relations website states that an employee may receive the statement in written or electronic form.</p> <p>Mont. Code § 39-3-101 (general wage statement requirements); Electronic Wage Payment FAQs, Montana Department of Labor & Industries, available at http://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/electronic-wage-payment-faq.</p>
NEBRASKA	
Payroll Card Requirements	<p>Payroll Cards(18) may be used as follows:</p> <ul style="list-style-type: none"> • Nebraska law is silent with respect to employee consent, but requires compliance with the compulsory use provision of the federal Electronic Fund Transfer Act; <ul style="list-style-type: none"> o The compulsory use provision requires that employees be provided with at least one other payment option such as direct deposit to an account of their choosing; • The employee must be allowed at least one withdrawal of up to the employee's total net wages without cost each pay period, but not more than once per week; and • The employee may not be required to pay any of the costs incurred by the employer in connection with paying wages with the payroll card. <p>Neb. Rev. Stat. § 1230(3).</p> <p>(18) Nebraska defines "payroll debit card" as "a stored-value card issued by or on behalf of a federal insured financial institution that provides an employee with immediate access for withdrawal or transfer of his or her wages through a network of automatic teller machines." The term "payroll debit card" includes payroll cards. Neb. Rev. Stat. § 48-1229(5).</p>
Direct Deposit Requirements	<p>No statutory or regulatory requirements specific to direct deposit.</p> <p>Remember, when direct deposit is required, federal law requires that the employee be able to choose the financial institution that will receive the deposit.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a wage statement to each employee on each regular payday.</p> <ul style="list-style-type: none"> • The statement may be delivered or made available in an electronic format. <p>Neb. Rev. Stat. § 48-1230(2).</p>

State by State Guidelines



NEVADA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to the payroll card; • The employee is able to obtain the full amount of the wages on payday; • The employee receives at least one free transaction per pay period; • Any fees or charges are prominently disclosed to, and subject to the written consent of, the employee; • A location to access the wages is easily and readily accessible to the employee; and • There are no other requirements or restrictions that a reasonable person would find to be an unreasonable burden or inconvenience. <p>Nev. Rev. Stat. § 608.120(1); Nev. Admin. Code R. 608.135(2).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit; • The employee is able to obtain the full amount of the wages on pay day; • The employee receives at least one free transaction per pay period; • Any fees or charges are prominently disclosed to, and subject to the written consent of, the employee; • A location to access the wages is easily and readily accessible to the employee; and • There are no other requirements or restrictions that a reasonable person would find to be an unreasonable burden or inconvenience. <p>Nev. Rev. Stat. § 608.120(1); Nev. Admin. Code R. 608.135(2).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to an employee at the time of wage payment. The statute does not address method of delivery.</p> <p>The Nevada Labor Commission has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer takes steps to ensure that the wage statement information is accessible to the employee. <p>Nev. Rev. Stat. § 608.110 (general wage statement requirements); Conversation with the Nevada Labor Commission regarding electronic delivery.</p>
NEW HAMPSHIRE	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the payroll card in writing before the employer initiates payment using the card; • The employee's written consent must include the terms and conditions of the payroll card option and must be signed by the employee; • The employee has the option of receiving a paper paycheck; • The employee is provided at least one free means of withdrawing up to the full balance in the payroll card account each per pay period at a financial institution or other location convenient to the place of employment; • The employer does not pass any of its costs associated with the payroll card on to the employee; • The employer discloses the following to the employee in writing: all of the employee's wage payment options; the terms and conditions of the payroll card (including a complete itemized list of all known fees imposed by the employer or card issuer); the statutory requirements for payroll cards; and whether third parties may assess additional transaction fees; • The disclosure must be provided to the employee in plain language; • If the payroll card has an expiration date, the employer must provide a replacement card before the expiration date at no cost to the employee; • The employer provides written notice of any changes to the terms and conditions of the payroll card, including changes in fees; • The employer must obtain the employee's voluntary written consent to continue receiving wages to the payroll card account subject to the change; • The employer is responsible for any increase in fees charged to the employee before the employer provides written notice of the change; and • The employee is allowed to withdraw his or her consent to the payroll card at any time without penalty. <p>N.H. Rev. Stat. § 275:43(l)(d), (e), ll.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit in writing; • The employee chooses the bank for the deposit; • There is no cost to the employee for the deposit; and • The employee has the option of receiving a paper paycheck. <p>N.H. Rev. Stat. § 275:43(l)(c), (e).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a written wage statement for each pay period that deductions are made from wages.</p> <p>The New Hampshire Department of Labor has stated that an employer may use an electronic format if:</p> <p>The employee has access to the wage statement and can print it without cost.</p> <p>N.H. Rev. Stat. § 275:49 and N.H. Admin. R. Labor 803.03(e) (general requirements relating to wage statements); Conversation with New Hampshire Department of Labor regarding electronic delivery.</p>

State by State Guidelines



NEW JERSEY	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents in writing to the payroll card; • The employee's consent is obtained without intimidation, coercion or fear of discharge or reprisal; • The employee's consent is not a condition of hire or continued employment; • Prior to obtaining the employee's consent, the employer must disclose to the employee in writing each of the features of the card, the associated fees, and how the employee can use the payroll card to access the full amount of the wages at least once per pay period without fee or difficulty; • The employee may withdraw his or her consent on timely notice to the employer, and elect to be paid by another method; • The employee's wages must be subject to withdrawal and other disposition by the employee to the same extent and in the same manner as if the deposit had been made directly by the employee to an account in his or her name; • The employee can use the payroll card, at least once per pay period, to withdraw his or her full wages in cash without any fee or difficulty; and • The employee is provided with a statement of deductions for each pay period such deductions are made. <p>N.J. Admin. Code 12:55-2.4(i).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents in writing to direct deposit; • The employee's consent is obtained without intimidation, coercion or fear of discharge or reprisal; • The employee's consent is not a condition of hire or continued employment; • The deposit is to an account in the employee's name at a financial institution; • The employee may withdraw his or her consent on timely notice to the employer, and elect to be paid by another method; • The employee's wages must be subject to withdrawal and other disposition by the employee to the same extent and in the same manner as if the deposit had been made directly by the employee; • The employee is provided with a statement of deductions for each pay period such deductions are made; • The employee does not incur any additional fees as an immediate result of using the direct deposit option; and • The employer reimburses the employee by the next payday if the employee's account is debited with a check-deposit-return fee. <p>N.J. Rev. Stat. § 34:11-4.2a; N.J. Admin. Code 12:55-2.4(g),(h); New Jersey Department of Labor and Workforce Development, Employer Frequently Asked Questions, available at http://lwd.dol.state.nj.us/labor/wagehour/content/wage_and_hour_compliance_faqs.html.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a wage statement for each pay period deductions are made. The statute is silent with respect to method of delivery.</p> <p>The website of the Department of Labor and Workforce Development indicates that the statement may be in written or electronic form.</p> <p>N.J. Stat. § 34:11-4.6(c) (general wage statement requirements); New Jersey Department of Labor and Workforce Development, Wage and Hour Compliance FAQs, (addressing electronic delivery), http://lwd.dol.state.nj.us/labor/wagehour/content/wage_and_hour_compliance_faqs.html#q32.</p>
NEW MEXICO	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the payroll card; • The deposit of wages to the payroll card account is made without reduction or deduction except as specifically stated in a written contract entered into at the time of hire; and • The employer's use of the payroll card otherwise comports with New Mexico wage and hour law including the requirements for direct deposit. <p>Letter from Marshall J. Ray, General Counsel, New Mexico Department of Workforce Solutions (November 20, 2012) (no statutory or regulatory requirements specific to payroll cards).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to direct deposit; • The deposit is to the employee's account at a financial institution authorized to receive deposits in the U.S.; and • The deposit is made without reduction or deduction except as specifically stated in a written contract entered into at the time of hire. <p>N.M. Stat. § 50-4-2(B).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a written wage statement to an employee.</p> <p>The New Mexico Department of Workforce Solutions has stated that an employer may use electronic format if:</p> <ul style="list-style-type: none"> • The employee has access to a computer to view and print the wage statement; and • The confidentiality of the information is protected. <p>N.M. Stat. § 50-4-2(B) (general requirements regarding wage statements); Conversation with New Mexico Department of Workforce Solutions regarding electronic delivery.</p>

State by State Guidelines



NEW YORK	
Payroll Card Requirements	<p>*This rule is currently pending appeal but without stay.</p> <p>Employers may pay wages using payroll debit cards if the following requirements are met:</p> <ul style="list-style-type: none"> • Provide the employee notice of the following: <ul style="list-style-type: none"> o Description of all options for receiving wages; o A statement that the employer may not require employees to accept payment by payroll debit card; o A statement that employees may not be charged any fees for services that are necessary to access wages in full; and o A list of locations where employees can access and withdraw wages at no charge within a reasonable proximity to their work location or home. • Obtain the employee's voluntary and express written consent to payment using a payroll debit card after the employee has received written notice of all terms and conditions of the payroll debit card. Consent may not be a condition of hire or continued employment. o Notice and Consent may electronic if employee is able to view and print the consent (and disclosures) while at work without cost. The employer must notify the employee of the right to print these materials. (Consent obtained prior to the March 7, 2017 effective date will remain valid so long as employees are provided with the required notices before the effective date, and the notice expressly advises employees of the right to withdraw consent.) o The written notice and consent must be provided in English and in the employee's primary language when a template notice and consent is available from the Commissioner. • Additionally, employers must: <ul style="list-style-type: none"> o Wait 7 business days after providing the required notice and obtaining employee consent before taking action to pay wages by payroll debit card; o Provide access to one or more ATMs that is within reasonable distance of work location or home that offers withdrawal at no cost to the employee; o Provide a method to withdraw all wages for each pay period or balance on the card without fee. • The following fees may not be charged by an employer or its agents, directly or indirectly: <ul style="list-style-type: none"> o Application, initiation, loading, participation or other action necessary to receive wages or to hold the payroll debit card; o Point of sale transactions; o Overdraft, shortage, or low balance status; o Account inactivity; o Maintenance; o Telephone or online customer service; o Accessing balance or other account information online, by IVR, other automated system, or any in-network ATM; o Providing the employee with written statements, transaction histories, or the issuer's policies; o Replacing the card at least annually; o Closing the account or issuing payment of the balance by check or other means; o Declined transactions at an ATM that does not provide free balance inquiries; o Any fee not explicitly identified by type or dollar amount in the contract between the employer and issuer or in the terms and conditions provided to employees. • Additional Requirements: <ul style="list-style-type: none"> o Card cannot be linked to any form of credit, including a loan against future pay or a cash advance on future pay. This provision does not prohibit an issuer from covering an occasional inadvertent overdraft transaction at no charge to the employee. o Employer cannot pass any of its costs associated with the paycard. o Employer may not receive any kickback of other financial remuneration from the issuer, card sponsor, or any third party for using payroll debit cards to delivery wages. o Agreement between employer and issuer requires that funds on a payroll debit card shall never expire (though account may be closed provided issuer gives reasonable notice and remaining funds are refunded within seven days). o Employers and their agents are prohibited from engaging in unfair, deceptive, or abusive practices in relation to the method(s) used to pay wages. o Employer must obtain union approval to offer payroll debit cards if the applicable CBA expressly provides for the method(s) of pay. o An employee may withdraw consent at any time. The employer will have a reasonable period to finalize the change but not longer than two full pay periods. <p>12 NYCRR §§ 192-1.2, 192-1.3, 192-1.4, 192-2.3; Notice of Adoption, Methods of Payment of Wages (NYS Register, September 7, 2016)</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <p>Employers may pay wages using direct deposit at a financial institution designated by the employee if the following requirements are met:</p> <ul style="list-style-type: none"> • Provide the employee notice of the following: <ul style="list-style-type: none"> o Description of all options for receiving wages; o A statement that the employer may not require employees to accept payment by direct deposit; and o A statement that employees may not be charged any fees for services that are necessary to access wages in full. • Obtain the employee's voluntary and express written consent to payment using direct deposit. Consent may not be a condition of hire or continued employment. o Notice and Consent may electronic if employee is able to view and print the notice and consent while at work without cost. The employer must notify the employee of the right to print these materials. (Consent obtained prior to the March 7, 2017 effective date will remain valid so long as employees are provided with the required notices before the effective date, and the notice expressly advises employees of the right to withdraw consent.) o The written notice and consent must be provided in English and in the employee's primary language when a template notice and consent is available from the Commissioner. • An employee may withdraw consent at any time. The employer will have a reasonable period to finalize the change but not longer than two full pay periods. • Employer must retain a copy of the employee's consent throughout the employment relationship and for six years following the last payment of wages by direct deposit. A copy of the written consent must be provided to the employee. • Employers and their agents are prohibited from engaging in unfair, deceptive, or abusive practices in relation to the method(s) used to pay wages. <p>12 NYCRR §§ 192-1.2, 192-1.3, 192-1.4, 192-2.2; Notice of Adoption, Methods of Payment of Wages (NYS Register, September 7, 2016).</p>

State by State Guidelines



Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a wage statement with every wage payment. The statute does not specify method of delivery. The New York Department of Labor has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee is able to view and print the wage statement at the workplace without undue delay or effort, during company time; • The employee is not any charged fees, directly or indirectly, for accessing or printing the wage statement; and • The employer takes steps to prevent the release of confidential information (at a minimum, the wage statements must be securely transmitted and securely stored). <p>New York Labor Law § 195(3) (general wage statement requirements); N.Y. Department of Labor, Requests for Opinions 08-0096 (August 11, 2008), 10-0072 (July 13, 2010), 10-0180 (January 12, 2011), 10-0018 (October 6, 2010) (addressing electronic delivery).</p>
NORTH CAROLINA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • North Carolina law is silent with respect to consent; • Federal law requires that employees be provided with at least one other payment option such as direct deposit to an account of the employee's choosing; • The employee must be able to withdraw all monies due on payday; • The one withdrawal each payday must be without cost to the employee; • The funds in the payroll card account must be insured by the U.S. government; • If the payroll card is optional, bank fees after the free initial withdrawal may bring the employee below the applicable minimum wage so long as the fees are disclosed to the employee; and • If the payroll card is required, bank fees cannot result in the employee being paid less than the minimum wage. <p>13 N.C. Admin. Code 12.0309; N.C. Dept. of Labor, Debit/Payroll Card Payment Enforcement Position available at http://www.nclabor.com/wh/fact%20sheets/debit_payroll.htm.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • An employer may require direct deposit so long as the employee is able to choose the financial institution; • Wages must be paid in full on payday; • The deposit must be to a financial institution whose deposits are insured by the U.S. government or to an institution selected by the employee; • If direct deposit is optional, the cost of participation (including bank fees) may bring the employees' pay below the state minimum wage requirement; and • If direct deposit is required, the employee may not incur costs, such as bank fees, that result in the employee being paid less than the N.C. minimum wage. <p>13 N.C. Admin. Code 12.0309; N.C. Dept. of Labor, Direct Deposit Enforcement Position, available at http://www.nclabor.com/wh/fact%20sheets/dirdep.htm.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish each employee with a wage statement for each pay period deductions are made. The statement may be provided:</p> <ul style="list-style-type: none"> • In writing; • By electronic mail, but only if the employee can print out a paper copy of the transmission; or • By any other means which supplies the required information in a form the employees can retain in written form. <p>N.C. Stat. § 95-25.13; 13 N.C. Admin. Code 12.0304, 12.0807.</p>
NORTH DAKOTA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee consent to the payroll card; • The payroll card is issued by a federally insured bank or credit union; • The funds underlying the payroll card must be insured by the FDIC or NCUA; and • Before paying wages to the employee, the employer must deposit with the issuing bank or credit union, funds that are at least equal to the amount due to the employee and any account fees that are charged to the employer by the bank or credit union. <p>N.D. Cent. Code § 34-14-02.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • North Dakota law is silent with respect to consent. • The deposit is to a financial institution chosen by the employee. <p>N.D. Cent. Code § 34-14-02.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide employees with a wage statement each pay period. The regulation does not address method of delivery.</p> <p>The Department of Labor and Human Rights' website states that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee has access to and the ability to print the statement. <p>N.D. Admin. Code 46-02-07-02(10); N.D. Dept. of Labor and Human Rights, Wage and Hour FAQs, http://www.nd.gov/labor/misc/faq.html#a02.</p>

State by State Guidelines



OHIO	
Payroll Card Requirements	No statutory or regulatory provisions specific to payroll cards. <ul style="list-style-type: none"> • Federal law requires that employees be provided with at least one other payment option. • See federal requirements.
Direct Deposit Requirements	No statutory or regulatory provisions specific to direct deposit. <ul style="list-style-type: none"> • See federal requirements.
Electronic Delivery of Wage Statements	Electronic Wage Statements Acceptable Wage statements are not required in Ohio. <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery.
OKLAHOMA	
Payroll Card Requirements	Payroll Cards may be used as follows: <ul style="list-style-type: none"> • The employee must consent to receive a payroll card and may not be compelled to do so; and • The employee must be able to access his or her full wages in cash without fee. 40 Okla. Stat. § 165.2; Okla. Attorney General Opinion No. 09-31 (November 17, 2009) (declaring that the federal EFTA governs the payment of wages electronically).
Direct Deposit Requirements	Direct Deposit may be used as follows: <ul style="list-style-type: none"> • An employer may require direct deposit so long as the employee is able to choose the financial institution for the deposit; • If the employer selects the financial institution, the employer must allow the employee to receive wages by check or cash; and • The employee can access his or her full wages in cash without fee. 40 Okla. Stat. § 165.2; Okla. Attorney General Opinion No. 09-31 (November 17, 2009).
Electronic Delivery of Wage Statements	Electronic Wage Statement Acceptable An employer is required to issue a wage statement to an employee with each wage payment. The employer may use an electronic format if: <ul style="list-style-type: none"> • The method of delivery does not place a burden on the employee in order to receive the statement; • The employer must make an affirmative act to distribute the statement; • The employer may provide the wage statement by e-mail so long as the employee provides an e-mail address; and • The employer may not simply place the wage statement on a website where the employee must retrieve the statement. 40 Okla. Stat. § 165.2 (general wage statement requirements); Okla. Atty. Gen. Op. No. 09-31 (November 17, 2009) (addressing electronic delivery).
OREGON	
Payroll Card Requirements	Payroll Cards(19) may be used as follows <ul style="list-style-type: none"> • The employer and employee agree to the payroll card; o The agreement must be in the language that the employer primarily uses to communicate with the employee; o The employee must be able to revoke the agreement by giving written notice to the employer;(20) o The revocation will become effective 30 days after it is received by the employer unless the parties agree otherwise; • The employer must honor the employee's written or oral request for a paycheck; • The employee is able to either (a) make an initial withdrawal of his or her entire net pay without cost or (b) choose another means of wage payment that does not involve any cost to the employee; and • The payment system may not affect the rights of an employee covered by a collective bargaining agreement. Ore. Rev. Stat. § 652.110(4)-(8). (19) Oregon law addresses payment by automated teller machine card, payroll card or other means of electronic transfer. Or. Rev. Stat. § 652.110(5). (20) Special procedures for revoking an agreement to be paid using a payroll card apply to employees who are seasonal farmworkers and employees who are employed in packing, canning, freezing, or drying any variety of agricultural crops. Or. Rev. Stat. § 652.110(7).
Direct Deposit Requirements	Direct Deposit may be used as follows: <ul style="list-style-type: none"> • Oregon law does not address consent, but requires employers to honor an employee's written or oral request for a paycheck; • The deposit must be to the employee's account at a financial institution in the state; • Wages must be deposited without discount; and • The payment system may not affect the rights of an employee covered by a collective bargaining agreement. Ore. Rev. Stat. § 652.110(3)-(4), (8)
Electronic Delivery of Wage Statements	Electronic Wage Statement Acceptable An employer is required to provide a written wage statement to an employee at the time of wage payment. The employer may use electronic format if: <ul style="list-style-type: none"> • The employee agrees; and • The employee has the ability to print or store the electronic itemized statement when it is received. Or. Rev. Stat. § 652.610(2); Or. Admin. R. 839-020-0012(3); See also Or. Rev. Stat. § 652.640 (requiring a written statement for certain agricultural workers).

State by State Guidelines



PENNSYLVANIA	
Payroll Card Requirements	<p>Payroll Cards(21) may be used as follows:</p> <ul style="list-style-type: none"> • The employee authorizes payment to the payroll card account in writing or electronically; • Payment to a payroll card account may not be made a condition of employment or the receipt of any benefit or other form of remuneration; Before obtaining the employee's authorization, the employer provides the employee with clear and conspicuous written or electronic notice of the following: <ul style="list-style-type: none"> o All of the employee's wage payment options; o The terms and conditions of the payroll card account, including fees that may be deducted by the card issuer; o A notice that third parties may assess additional fees; o The methods available to the employee for accessing wages without fees; • The payroll card account is established at a financial institution who funds are insured by the FDIC or NCUA; • The employee is issued a payroll card in accordance with Regulation E; • The financial institution holding the payroll card account provides the employee with the consumer protections required by Regulation E, including disclosures, notices of transfer, change in term notices, and access to account information; • The employer honors an employee's written or electronic request to receive wages by direct deposit or check as soon as practicable but not later than the first pay day after fourteen days of receiving the employee's request and any information necessary to make the change; • The payroll card account provides the employee with the ability to make the following withdrawals without charge each pay period, or each week if the employee is paid more frequently than weekly: <ul style="list-style-type: none"> o At least one withdrawal of any amount up to the full amount of the employee's net wages for the period; and o One in-network ATM withdrawal; • The employee is not charged fees for the application, initiation, or privilege of participating in the payroll card program; • The employee is not charged fees for issuance of the initial payroll card or for one replacement card per calendar year upon request; • The employee is not charged fees for transferring wages or other compensation to the payroll card account or for purchase transactions at the point of sale; • The employee is not charged fees for nonuse or inactivity of the payroll card account for the first twelve months of nonuse or inactivity; • The employee is provided access to his or her account balance through an automated telephone system or other electronic means without cost; • The funds in the payroll card account do not expire; • The employee is provided a replacement card without cost prior to the card's expiration date unless the account is no longer used for the receipt of wages or other compensation from the employer and has not received a transfer of wages or other compensation from the employer for at least 60 days; • The employer provides the employee with a written or electronic statement of earnings and deductions each pay period in accordance with applicable law; • The payment system does not override the terms of a collective bargaining agreement with respect to methods of wage payment. <p>43 Pa. Stat. § 260.3(a); 7 Pa. Stat. §§ 6121.1, 6122, 6122.1; see also Regulation E, 12 C.F.R. Part 1005.</p> <p>(21) Pennsylvania defines "payroll card account" as "an account that is directly or indirectly established through an employer, to which transfers of the employee's wages, salary, commissions or other compensation are made." 7 Pa. Stat. § 6121.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee authorizes the direct deposit in writing or electronically; • The financial institution holding the account provides the employee with the consumer protections required by Regulation E, including disclosures, notices of transfer, change in term notices, and access to account information; and • The employer provides the employee with a written or electronic statement of earnings and deductions each pay period in accordance with applicable law. <p>43 Pa. Stat. § 260.3(a); 7 Pa. Stat. §§ 6121.1, 6122; see also Regulation E, 12 C.F.R. Part 1005.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to an employee with every payment of wages.</p> <p>An electronic format may be used:</p> <ul style="list-style-type: none"> • Note, in the past the Pennsylvania Department of Labor and Industries has advised that employers must provide employees with access to a computer and the ability to print the statement. <p>34 Pa. Code § 231.36 (general wage statement requirements)(22); Letter to the American Payroll Association from Pennsylvania Department of Labor and Industries (October 1, 2009) (addressing electronic delivery).</p> <p>(22) Special wage statement requirements apply to common carriers by railroad. 34 Pa. Code § 9.4.</p>

State by State Guidelines



RHODE ISLAND	
Payroll Card Requirements	<p>Payroll Cards(23) may be used as follows:</p> <ul style="list-style-type: none"> • The employee provides written or electronic consent to payment to the payroll card account; • The employee is able to make one free withdrawal of up to the employee's full net wages each pay period; • Except that an employee paid more frequently than weekly must be able to make one free withdrawal each week of up to the employee's full net wages for the week; • The employee is able to make unlimited balance inquiries without cost either using an automated telephone system or over the internet; and • The payroll card account carries the protections of the Electronic Fund Transfer Act and Regulation E. <p>R.I. Gen. Laws § 28-14-10.1(a), (f).</p> <p>(23) "Payroll card account" means "an account that is directly or indirectly established through an employer to which transfers of the employee's wages, salary or other compensation are made, and which carries the consumer protections that apply to payroll card accounts under the Electronic Fund Transfer Act [citation omitted] and Regulation E [citation omitted]."</p> <p>R.I. Gen. Laws § 28-14.10.1(e).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee provides written or electronic consent to direct deposit; • The employee designates the financial institution that will receive the deposit; • The deposit is for the net pay due the employee; and • The deposit is made to the employee's checking or savings account at the designated financial institution. <p>R.I. Gen. Laws § 28-14-10.1(a).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to employees on every regular payday. The statute does not address method of delivery. The Rhode Island Department of Labor has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee actually receives the wage statement; and • If the employee does not have access to a computer, then a hard copy must be provided to them. <p>R.I. Gen. Laws § 28-14-2.1 (general wage statement requirements); Conversation with Rhode Island Department of Labor and Training regarding electronic delivery.</p>
SOUTH CAROLINA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • South Carolina law is silent with respect to employee consent; o Remember, federal law requires that employees be provided with at least one other payment option such as direct deposit; • The employer notifies the employee of the payroll card program and how it works; • Any changes to the payroll card program require 7 days' notice to the employee; and • The employee can make at least one withdrawal each pay period without charge. <p>Correspondence with South Carolina Dept. of Labor, Licensing & Regulation (No statutory or regulatory authority specific to payroll cards); See also S.C. Code § 41-10-40(B).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • South Carolina law is silent with respect to employee consent; o Remember, when direct deposit is required, federal law requires that the employee be able to choose the account that will receive the deposit; • The deposit is made to the employee's credit at a financial institution; • The financial institution does business in the state and is insured by an agency of the federal government; and • The employee can make at least one withdrawal for each deposit without charge. <p>S.C. Code § 41-10-40(B).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to each employee every pay period. The statute does not address method of delivery. The Department of Labor, Licensing & Regulation has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee has access to his or her wage statement each pay period and the ability to print the statement. <p>S.C. Code §§ 41-10-30(C), 41-10-40(B) (general wage statement requirements); Correspondence with the South Carolina Dept. of Labor, Licensing & Regulation regarding electronic delivery.</p>

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SOUTH DAKOTA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • South Dakota is silent with respect to employee consent; o Remember, federal law requires that employees be provided with at least one other payment option such as direct deposit. <p>Correspondence with the S.D. Dept. of Labor.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • South Dakota law is silent with respect to employee consent; o Remember, when direct deposit is required, federal law requires that the employee be able to choose the account that will receive the deposit; • The deposit is to the employee's bank account. <p>S.D. Code § 60-11-9.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statements Acceptable</p> <p>Wage statements are not required in South Dakota.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide statements may determine the method of delivery.
TENNESSEE	
Payroll Card Requirements	<p>Payroll Cards may be used if:</p> <ul style="list-style-type: none"> • The employee consents as follows: • By providing voluntary consent, or • By failing to designate an account at a financial institution for direct deposit after being given the choice between direct deposit and a payroll card, if the requirements below are met; • The employee also is given the choice of being paid by direct deposit; • The payroll card is issued through a network system from which the employee is able to withdraw or transfer funds; • The employee is able to withdraw or transfer any amount contained on the payroll card at least once per pay period without cost; and • An employee who is given the choice between being paid by direct deposit or a payroll card only may be paid using a payroll card provided: • The employer has explained these options to the employee; • The employer has provided the employee with a full written disclosure of any applicable fees associated with the payroll card; and • The employee does not designate an account at a financial institution for direct deposit in time and as required for the transfer to occur. <p>Tenn. Code § 50-2-103(e).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employer may require direct deposit so long as the employee is able to choose the financial institution. <p>Tenn. Code § 50-2-103(e); Tenn. Att'y Gen. Op. No. 86-94 (May 8, 1986).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statements Acceptable</p> <p>Wage statements are not required in Tennessee.</p> <ul style="list-style-type: none"> • Accordingly, employers that choose to provide the statements may determine the method of delivery.

State by State Guidelines



TEXAS	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> Employers may pay employees through a payroll card account if: <ul style="list-style-type: none"> (a) the account is FDIC insured and uses electronic funds transfer to deposit wages in the employee's payroll card account, AND (b) on the first day of work (or at least 60 days prior to the first payment to a payroll card if the plan is not in place on the first day of work): <ul style="list-style-type: none"> o Employer notifies employee in writing that the employer has adopted a payroll card account plan, AND o Employer provides to the employee (a) a complete list of all fees associated with the account in English (or such other language that the payroll account offer is made in). and (b) a form that can be used to request an alternate form of payment if the employee opts out of the payroll card account plan Employer must obtain from the employee any information required by the payroll card issuer necessary to implement the electronic funds transfer. If employee requests alternative form of payment, employer shall pay employee wages in the alternate form as soon as practicable, but no later than the first payday occurring after the 30th day after the employee's request. <p>Texas Labor Code §§ 61.001(6-a), 61.016(a), 61.017(d) and (e)</p> <p>Prior guidance from the Texas Workforce Commission also indicated that it is likely that the employee must be able to withdraw the full amount of their wages at least once per pay period for free.</p> <p>Letter from John Moore, Director, Regulatory Integrity Division, Texas Workforce Commission (July 10, 2008).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> Texas law is silent with respect to employee consent; An employer may elect to pay wages via direct deposit to employees who maintain an account at a financial institution; The employer must provide written notice to affected employees at least 60 days before the direct deposit program is scheduled to begin; and The employer must obtain from the employees whatever account information is required by the financial institution to implement the direct deposit. <p>Tex. Labor Code § 61.017(c).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <ul style="list-style-type: none"> Employers must give employees a written wage statement at the end of each pay period. The statement may be provided in any form determined by the employer, including an electronic format. Employers subject to the FLSA are exempt from the pay stub requirement. <p>Tex. Labor Code §§ 62.003(a), (c), 62.151; Texas Workforce Commission, Especially for Texas Employers: Delivery of Wages, http://twc.texas.gov/news/eft/eft_delivery_of_wages.html.</p>
UTAH	
Payroll Card Requirements	<p>Payroll Cards(24) may be used as follows:</p> <ul style="list-style-type: none"> Utah law is silent with respect to employee consent; Remember, federal law requires that employees be provided at least one other payment option; The employee's full wages are available to the employee through the payroll card on payday; The employee can withdraw the full amount of his or her wages through a single transaction without incurring a fee; and The employee is provided a wages statement for each pay period. <p>Utah Admin. Code R610-3-22.</p> <p>(24) Utah defines "pay card" as "a stored value card that can be used at an ATM-type machine to access wages that are credited to the card." Utah Admin. Code R610-3-22.</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> Utah law is silent with respect to employee consent but provides that: Except as set forth below, an employee may refuse direct deposit by filing a written request with the employer; An employee may not refuse direct deposit if the employer's federal employment tax deposits equaled or exceeded \$250,000 in the previous calendar year and at least 2/3 of the employees have their wages directly deposited; and The employee designates the financial institution. <p>Utah Code § 34-28-3(1)(e), (3).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a wage statement to an employee on each payday.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> The employee is able to easily and immediately access the wage statement and print a copy without cost. <p>Utah Code § 34-38-3(4); Utah Admin. Code R610-3-22(C).</p>

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VERMONT	
Payroll Card Requirements	<p>Payroll Card may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents in writing to the payroll card after receiving the required disclosures; o Consent is not made a condition of hire or continued employment; • The employer provides the employee with written disclosure of: <ul style="list-style-type: none"> o All of the employee's wage payment options; o The terms and conditions of the payroll card option, including a complete list of all known fees that may be deducted from the account by the employer or issuer; and o Whether third parties may assess additional fees; • The disclosures are provided in at least 10-pt type, in plain language, and in the employee's primary language or a language the employee understands; • The payroll card account is held at a federally insured depository institution; • The employee is able to make at least 3 free withdrawals from the payroll card each pay period, one of which permits withdrawal of the full balance at a federally insured depository institution or other location convenient to the place of employment; • The employer's costs associated with the payroll card account are not passed on to the employee; • The employer does not receive any financial remuneration for use of the payroll card at the employee's expense; • At least 21 days before any change to the terms and conditions (including fees) take effect, the employer provides the employee with notice of the change and of the employee's right to discontinue the receipt of wages to a payroll card account at any time and without penalty; o The notice must be in writing, in plain language, and in at least 10-pt type; o The employee may not be charged any additional fees until the employer has provided written notice of the change to the employee; • The employer provides the employee with the option to discontinue receipt of wages by a payroll card account at any time and without penalty to the employee; • The payroll card must be a branded card that can be used at a pin-based or signature-based outlet except that a nonbranded payroll card may be issued for temporary purposes if it is valid for no more than 60 days; • The payroll card agreement must prevent withdrawals in excess of the account balance and to the extent possible protect against the account being overdrawn; • The employee is provided one free replacement card per year at no cost before the card's expiration date unless the payroll card has been inactive for at least 12 months or the employee is no longer employed by the employer; • The payroll card account may not be linked to any form of credit, including a loan against future pay or a cash advance on future pay; • The employer may not charge the employee any initiation, loading or other participatory fees to receive wages to the payroll card account, with the exception of the cost required to replace a lost, stolen or damaged payroll card; • The employee is provided with a free written transaction history each month upon written or oral request; • The employee must be able to elect to receive the monthly transaction history by electronic mail; • If the payroll card account is established as an account individually owned by the employee: • The employer's obligations and the protections listed above end 30 days after the employment relationship ends and the employee has been paid final wages; and • Upon termination of the employment, the employer must notify the financial institution of the change in the relationship, and the financial institution must provide the employee with a written statement containing a full list of fees and obligations the employee might incur by continuing a relationship with the financial institution. <p>21 Vt. Stat. § 342(c)(2), (d).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to direct deposit in writing; and • The deposit is to a checking, savings or other deposit account maintained by or for the employee in a financial institution. <p>21 Vt. Stat. § 342(c)(1).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide to employees a written wage statement each pay period.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer obtains written authorization from the employee; • The wage statement is made available at the time wages are paid; • The employee can access and print the wage statement without cost; and • The employer takes measures to protect confidential information from access by anyone other than the employee. <p>Code of Vt. Rules 24-090-003(VI); Vermont Department of Labor, Frequently Asked Questions, available at http://labor.vermont.gov/unemployment-insurance/wage-hour/wage-and-hour-fair-labor-practices-frequently-asked-questions/</p>

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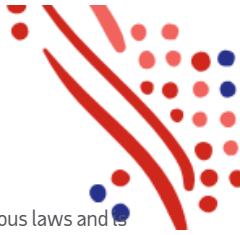
VIRGINIA	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee consents to the payroll card. Except that, affirmative consent is not required for employees hired after January 1, 2010, if: <ul style="list-style-type: none"> • The employer offers the employee direct deposit to a financial institution designated by the employee or a payroll card; • The employee fails to designate an account for direct deposit; and • The employer arranges for the payroll card to be issued through a network system through which the employee is able to make at least one free withdrawal or transfer per pay period for any sum in the account that the employee elects at financial institutions participating in the network system. • The employee is able to use the card to withdraw or transfer funds; and • The employer fully discloses applicable fees in writing. <p>Va. Code § 40.1-29(B).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • Virginia law is silent with respect to consent; • The deposit is to an account at a financial institution designated by the employee; and • The account is in the employee's name. <p>Va. Code § 40.1-29(B).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a written wage statement to an employee upon request.</p> <p>The Virginia Department of Labor has stated that an employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer provides the employee with access to a computer and printer. <p>Va. Code § 40.1-29(C) (general wage statement requirements); Correspondence with the Virginia Department of Labor regarding electronic delivery.</p>
WASHINGTON	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • Washington law is silent with respect to consent; • There is no fee for accessing wages using the card; • If there are fees for using the payroll card, the employer must offer another payment option that provides access to wages without fees or costs. <p>Remember, federal law requires that employees be provided with at least one other payment option.</p> <p>Wa. Dept. of Labor and Industries, Frequently Asked Questions re Getting Paid, available at http://www.lni.wa.gov/WorkplaceRights/Wages/PayReq/Wages/default.asp; See also, Wa. Dept. of Labor and Industries, Administrative Policy ESA.2, issued 1/2/02, available at http://www.lni.wa.gov/WorkplaceRights/files/policies/esa2.pdf (No statutory or regulatory requirements).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • An employer may require direct deposit so long as there is no cost to the employee; • Remember, when direct deposit is required, federal law requires that the employee be able to choose the account that will receive the deposit; • If there is a fee or cost associated with direct deposit, the employee must be given the option of a paper check. <p>Wa. Dept. of Labor and Industries, Frequently Asked Questions re Getting Paid; Wa. State Dept. of Labor and Industries, Administrative Policy ESA.2, issued 1/2/02, available at http://www.lni.wa.gov/WorkplaceRights/files/policies/esa2.pdf. (No statutory or regulatory requirements).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to each employee at the time of wage payment.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee has access to receive and copy the wage statement on payday; and • If the employee cannot receive an electronic statement at work or at home on the established payday, the employer must provide the employee with a written statement on payday. <p>Wash. Admin. Code 296-126-040(3).</p>

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WEST VIRGINIA	
Payroll Card Requirements	<p>Payroll Cards(25) may be used as follows:</p> <ul style="list-style-type: none"> • The employer and employee agree in writing to payment using the payroll card; • The payroll card account is held at a federally insured depository institution; • The funds deposited into the payroll card account are immediately available; • The employee is not required to use or accept the payroll card as a method of wage payment; and • The employee is not charged excessive user fees or other charges just for the privilege of receiving his or her wages. <p>W.Va. Stat. § 21-5-3(b)(3); West Virginia Department of Labor, Information Sheet on Direct Deposit & Payroll Card Accounts, available at http://www.wvlabor.com/newwebsite/Documents/wageforms/Direct_Deposit.pdf.</p> <p>(25) West Virginia defines "payroll card" as "a card, code or combination thereof or other means of access to an employee's payroll card account, by which the employee may initiate electronic fund transfers or use a payroll card to make purchases or payments." "Payroll card account" is defined as "an account in a federally insured depository institution that is directly or indirectly established through an employer and to which electronic fund transfers of the employee's wages ... or other compensation are made on a recurring basis, whether the account is operated or managed by the employer, a third-party payroll processor, a depository institution or another person." W.Va. Code § 21-5-3(b)(3).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employer and employee agree in writing to payment using direct deposit; • The written agreement specifically identifies the employee, the financial institution, the type of account, and the account number; • The employee is not required to use or accept direct deposit as a method of receiving wages; • The deposit is to the employee's demand or time account at a financial institution; and • The funds deposited in the employee's account are immediately available. <p>W.Va. Stat. § 21-5-3(b)(4); West Virginia Department of Labor, Information Sheet on Direct Deposit & Payroll Card Accounts, available at http://www.wvlabor.com/newwebsite/Documents/wageforms/Direct_Deposit.pdf.</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to furnish a wage statement to each employee on payday.</p> <p>The employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employer pays the employee by direct deposit; and • The employee has direct, immediate and convenient access to the statement. <p>W.Va. Stat. § 21-5-9 (general wage statement requirements); W.Va. CSR § 42-5-7(7.3).</p>
WISCONSIN	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • Wisconsin law is silent with respect to consent; • Remember, federal law requires that employees be provided at least one other payment option, such as direct deposit to an account of the employee's choosing; • The employee must be able to collect his or her wages at a bank or facility in the State of Wisconsin; • The employee receives all of his or her wages; • The employee is not made to incur any charges to establish the payroll card account or receive all of his or her wages; and • If an employer offers a voluntary payroll card program it is immaterial whether or not there are fees associated with obtaining the wages. <p>Correspondence with the Wisconsin Department of Workforce Development regarding payroll cards in the absence of specific statutory or regulatory requirements.</p>
WYOMING	
Payroll Card Requirements	<p>Payroll Cards may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily consents to the payroll card; and • The employee has at least one opportunity each pay period to withdraw his or her wages without a fee. <p>Correspondence with the Wyoming Department of Employment (No statutory or regulatory requirements).</p>
Direct Deposit Requirements	<p>Direct Deposit may be used as follows:</p> <ul style="list-style-type: none"> • The employee voluntarily authorizes the deposit; and • The deposit is made to a financial institution authorized to receive deposits in the U.S. <p>Wyo. Stat. § 27-4-101(b).</p>
Electronic Delivery of Wage Statements	<p>Electronic Wage Statement Acceptable</p> <p>An employer is required to provide a written wage statement to each employee at the time of wage payment.</p> <p>The Wyoming Department of Workforce Services has advised that employer may use an electronic format if:</p> <ul style="list-style-type: none"> • The employee has the ability to print a hard copy of the wage statement. <p>Wyo. Stat. § 27-4-101(b) (general wage statement requirements); Correspondence with the Wyoming Department of Workforce Services regarding electronic delivery.</p>

State by State Guidelines



NOTICE – This tool and the content is intended for general informational purposes only as a high level summary, is not an in-depth analysis of the various laws and is not legal advice. You are urged to consult a lawyer regarding your payroll program and any legal questions you may have. Attempts are made to provide up to date and accurate summary information, but no guarantees can be made as to the accuracy of the content. Version v3.5.4, Rpt v3.10