

13 NCAC 12 .0308 FINAL PAY FOR SEPARATED EMPLOYEES

(a) For purposes of G.S. 95-25.7 and these Rules:

- (1) "Separated employees" are employees whose employment has been discontinued either voluntarily or involuntarily for any reason.
- (2) "The next regular payday" is the payday for the pay period in which the separated employee's employment is discontinued, except for bonuses, commissions and other forms of compensation. "The next regular payday" for bonuses, commissions and other forms of compensation is the first regular payday for the pay period in which such wages become calculable.

(b) If an employee requests that the employee's final paycheck be mailed, the employer shall mail the paycheck to the employee at the employer's expense. Employers shall not withhold the final paycheck because the employee refuses to come to the business office or place of employment to pick up the paycheck. The employer may require the employee to provide a notarized or witnessed written request for the mailing of the final paycheck.

(c) If a final paycheck mailed at the employee's request:

- (1) Is lost or stolen before the employee receives it, the employer shall replace the paycheck upon request of the employee. The employer shall not deduct costs related to replacing the check without written authorization from the employee in accordance with Rule .0305 of this Section.
- (2) Is lost or stolen after the employee receives it, the employer shall replace the paycheck upon request of the employee. The employer may deduct costs related to replacing the paycheck without a written authorization from the employee. "Costs of replacing the paycheck" shall include the cost of stopping payment on the lost or stolen check.

(d) An employer owes the employee the wages due until the employee receives the final paycheck. However, if the check is dishonored by the financial institution against which it is drawn, then the employer's obligation to pay the wages remains.

*History Note: Authority G.S. 95-25.2; 95-25.6; 95-25.7; 95-25.7A; 95-25.8; 95-25.19;
Eff. April 1, 1999;
Pursuant to G.S. 150B-21.3A rule is necessary without substantive public interest Eff. March 1, 2016.*