

What To Know About Paying A Terminated Employee

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There are two main considerations an employer must contend with relating to the issuance of a final paycheck to a terminated employee. The two circumstances are the same, regardless of whether the employee was fired or voluntarily left their position.

They are:

- When the check must be issued; and
- What must be included in that final payment.

The laws of each state, not federal law, govern these two considerations. While some states require employers to issue the final paycheck on an employee's final day of work, others allow the employer to issue that last check on the next regular payday, or within a specific period of time. For example, in New Jersey, the paycheck must be issued no later than 10 days from the end of the work period in which wages were earned.

Not surprisingly, the final check must include the wages the employee earned during that pay period. Meanwhile, some states equate accrued but unused vacation time with wages, so employers are required to pay the departing employee for that benefit. However, others do not believe departing employees should be paid for accrued but unused vacation time. Knowing what needs to be paid at the time of termination and when to pay can avoid a future wage claim.

About Beth Lincow Cole

The [Law Office of Beth Lincow Cole](#) is committed to helping employers comply with federal and state employment law and avoid potential business wrecking lawsuits. If your company needs assistance in the areas of employment law, contract law, non-compete and confidentiality agreements, wrongful termination, [sexual harassment](#), unemployment benefits or other equal employment concerns including race, sex, [disability](#) or age discrimination, [contact employment law attorney](#) Beth Lincow Cole.

Beth Lincow Cole has worked for large regional and national law firms, focusing solely on employment issues, on behalf of management within a wide range of industries. Whether you are a start up company with basic questions about personnel files or a larger company with questions about an employee's Family Medical Leave, Beth Lincow Cole can help. Drawing on her experiences, she counsel's companies in the following practice areas:

- Defense in administrative agency matters such as before the DOL, EEOC, PHRC or NJDCR
- Department of Labor Audits
- Discrimination
- Downsizing/Reduction in Force
- Drug Testing
- Employment Contracts and Severance Agreements
- Employment Law Compliance
- FMLA and other family leave laws
- Independent Contractors/Contingent Workforce

Please contact the firm to find out how the Law Office of Beth Lincow Cole can protect your company.