

Ask An Expert - December 21, 1997
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Karen Sutherland is the Chair of Ogden Murphy Wallace, P.L.L.C.'s Employment Law Practice Group. She represents employers on workplace issues. Her employment law experience includes (among other things) investigating harassment and discrimination claims, sexual harassment training, employee handbooks, defending cities, counties and private employers regarding state and federal sex, age and disability discrimination law, breach of employment contract claims, Trade Secrets Act claims, tortious interference and defamation. Ms. Sutherland is licensed to practice law in Washington State only. This article is based on Washington State and Federal law.

Q: If an employee quits or is terminated, when is the employee's last paycheck due?

A The employee's last paycheck is due on the normal payday. For example, if the employment relationship ends in the middle of a pay period, the employer is not required to issue the paycheck at the time of termination.

An employer cannot withhold a terminated employee's paycheck beyond the normal payday because the employee's work has been substandard or as leverage to make the terminated employee return the employer's keys or equipment. Withholding, even from a final paycheck, is only allowed for amounts that have been previously authorized by the employee or by law.

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