

Title:

Payroll Virginia, Unique Aspects of Virginia Payroll Law and Practice

Word Count:

832

Summary:

Virginia payroll has some unique aspects and conditions. Some of the details and laws are set out in this article including information concerning: tax withholding and reporting; unemployment insurance taxes and reporting; wage and hour laws; and child support withholding.

Keywords:

Payroll Virginia, Virginia payroll, payroll, Virginia payroll taxes, Virginia Income Tax, Virginia payroll withholding, Virginia payroll service, Virginia Unemployment Insurance, Virginia Child Support

Article Body:

The Virginia State Agency that oversees the collection and reporting of State income taxes deducted from payroll checks is:

Department of Taxation
Division of Income Tax Withholding
P.O. Box 27264
Richmond, VA 23261-7264
(804) 367-8037
<http://www.tax.virginia.gov/>

Virginia requires that you use Virginia form "VA-4, Employee's Virginia Income Tax Withholding Exemption Certificate" instead of a Federal W-4 Form for Virginia State Income Tax Withholding.

Not all states allow salary reductions made under Section 125 cafeteria plans or 401(k) to be treated in the same manner as the IRS code allows. In Virginia cafeteria plans are not taxable for income tax calculation; not taxable for unemployment insurance purposes. 401(k) plan deferrals are not taxable for income taxes; taxable for unemployment purposes.

In Virginia supplemental wages are required to be aggregated for the state

income tax withholding calculation.

You must file your Virginia state W-2s by magnetic media if you are have at least 250 employees and are required to file your federal W-2s by magnetic media.

The Virginia State Unemployment Insurance Agency is:

Virginia Employment Commission
Liability Section
P.O. Box 1358
Richmond, VA 23218
(804) 786-1485
<http://www.vec.virginia.gov/vecportal/>

The State of Virginia taxable wage base for unemployment purposes is wages up to \$8000.00.

Virginia requires Magnetic media reporting of quarterly wage reporting if the employer has at least 250 employees that they are reporting that quarter.

Unemployment records must be retained in Virginia for a minimum period of four years. This information generally includes: name; social security number; dates of hire, rehire and termination; wages by period; payroll pay periods and pay dates; date and circumstances of termination.

The Virginia State Agency charged with enforcing the state wage and hour laws is:

Department of Labor and Industry
Labor and Employment Law Division
13 South 13th St.
Richmond, VA 23219
(804) 371-2327
www.dli.state.va.us/

The minimum wage in Virginia is \$5.15 per hour.

There is also no general provision in Virginia State Law covering paying

overtime in a non-FLSA covered employer.

Virginia State new hire reporting requirements are that every employer must report every new hire and rehire. The employer must report the federally required elements of:

- Employee's name
- Employee's address
- Employee's social security number
- Employer's name
- Employers address
- Employer's Federal Employer Identification Number (EIN)

This information must be reported within 20 days of the hiring or rehiring. The information can be sent as a W4 or equivalent by mail, fax or electronically.

There is no penalty for a late report in Virginia.

The Virginia new hire-reporting agency can be reached at 800-979-9014 or 804-771-9733 or on the web at www.va-newhire.com

Virginia does not allow compulsory direct deposit

Virginia requires the following information on an employee's pay stub:

- Gross and Net Earnings
- straight time and overtime pay
- hours worked
- purpose of deductions (upon request)
- itemized deductions

Virginia requires that employee be paid no less often than monthly- salaried employees and hourly employees earning 150% of state's average weekly wage, if they agree; semimonthly or biweekly-hourly employees.

In Virginia there are no statutory requirements concerning the lag time between when the services are performed and when the employee must be paid.

Virginia payroll law requires that involuntarily terminated employees must be paid their final pay by their next regular payday and that voluntarily

terminated employees must be paid their final pay by the next regular payday.

Deceased employee's wages of \$15,000 must be paid to the surviving spouse; if none, distributees no less than 60 days after death; no qualification of estate.

Escheat laws in Virginia require that unclaimed wages be paid over to the state after one year.

The employer is further required in Virginia to keep a record of the wages abandoned and turned over to the state for a period of 5 years.

There is no provision in Virginia law concerning tip credits against State minimum wage.

In Virginia the payroll laws covering mandatory rest or meal breaks are only that minors under 16 must have 30 minutes rest after five hours of work.

There is no provision in Virginia law concerning record retention of wage and hour records therefore it is probably wise to follow FLSA guidelines.

The Virginia agency charged with enforcing Child Support Orders and laws is:

Division of Child Support Enforcement
Department of Social Services
730 E. Broad St.
Richmond, VA 23219
(804) 692-1900
* www.dss.state.va.us/division/childsupp

Virginia has the following provisions for child support deductions:

**When to start Withholding? Next payday after service.
When to send Payment? Within 4 days of Payday if EFT is used.
When to send Termination Notice? "Promptly"
Maximum Administrative Fee? \$5 per payment.
Withholding Limits? Federal Rules under CCPA.
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Please note that this article is not updated for changes that can and will happen from time to time.