

Human Resources

Q & A

This column is sponsored by the Lower Columbia Human Resource Management Association. LCHRMA represents a gathering of Human Resources professionals. Join us each month for a luncheon and training that covers many aspects of employment law and human resources.

DECEMBER: Dan Duggan and Paul Werder, Lion Heart Consulting - Leadership and Transformational Problem Solving - December 7, 11:30am - 1:00 at Buoy Beer Company, 1 8th Street Astoria.

JANUARY 2017: John Anglim, True North Learning - Intro to CRUCIAL CONVERSATIONS - January 4, 11:30am - 1:00 at Buoy Beer Company, 1 8th Street Astoria.

Please register online. www.lchrma.org

HR Questions and Answers:

Q. May an employer make all employee wages payable by direct deposit even when an employee prefers to receive a paper paycheck?

A. According to ORS 652.110 employers may require employees go on direct deposit without employee consent. Previously, employers and employees had to agree to authorize direct deposit but since 2014, employers can have direct deposit as the default. Employees must now proactively opt out of direct deposit. Employees can opt out of direct deposit verbally or in writing. Employees unable or unwilling to go on direct deposit will likely notify their employer immediately. If they make this request, employers can also point them to electronic options such as debit cards. Employers who do use the direct deposit method of paying wages should be aware that doing so does not change the strict deadlines for paying an employee's final wages upon termination. However, the law says that even the final paycheck may be paid by direct deposit, "provided the employee and the employer have agreed to such deposit." ORS 652.140 (4).

Q. Is it legal for an employer to pay wages by issuing employees a "debit card" that can be "swiped" at local banks or institutions for cash or merchandise?

A. Payment of wages by debit card is legal and permitted by ORS 652.110 (5) if the employer and employee agree to this arrangement. Also, the instrument of payment - in this case, the debit card - must be negotiable and "payable without discount in cash on demand at some bank or other established place of business" in the county where it is issued. The Bureau's interpretation of this statutory language is that the employee must be able to receive the full amount of his or her wages by swiping the card and may not be charged any fee for doing so.

Disclaimer: No response to the above queries is intended as legal advice. The answers are general answers based on general questions. If you need legal advice, please consult an attorney.