

## ● STATE LIEN LAWS (*CLAIMS FOR WAGES*)

*STATUTORY CITATION:* Idaho Code §§ 45-601 – 45-621

*GENERAL SUMMARY:* Chapter 6 of the state lien laws regulates pay periods, method of pay, and the withholding of workers' wages, and prescribes a claims process for collecting unpaid wages and damages. These provisions apply to all employers and employees in the state, regardless of industry or occupation.

### *SPECIFIC TERMS AND CONDITIONS*

**PAY PERIODS** — Every employer in Idaho must pay all wages due at least once each calendar month, on regular paydays designated in advance by the employer. In general, a designated payday may not be more than 15 days after the end of the pay period for which payment on that day is to be made. If the regular payday falls on a non-workday, payment must occur on the preceding workday.

**METHOD OF PAY** — Wages must be paid in lawful U.S. currency, by check drawn on banks where suitable arrangements are made for cashing at no charge to the employee, or by direct deposit to an account voluntarily selected by the employee.

**WITHHOLDING OF WAGES** — No employer may withhold or divert any portion of an employee's wages, unless the employer is required or authorized to do so by state or federal law, or the employer has written authorization from the employee to make such a deduction for a lawful purpose. For each pay period for which deductions from the worker's pay are made, the employer must provide the employee with an itemized statement of each such deduction and keep an accurate record thereof.

**WAGE CLAIMS** — Any worker with a claim for unpaid wages in an amount up to \$1,000 may request the state enforcement agency to take assignment of the claim in trust; the agency may then commence legal action on behalf of the worker to recover the unpaid wages and appropriate damages in court. A judgment in favor of the worker may include, in addition to the unpaid wages, reasonable attorney's fees and court costs, plus damages of up to *three times* the amount of unpaid wages.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — It is illegal for an employer to fire or in any other manner discriminate against a worker because the worker made a claim, testified in a proceeding, or discussed or consulted with anyone concerning the worker's rights under this law.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Wage and Hour Bureau, Idaho Department of Labor, Boise, Idaho 83735 (208-332-3570)*. In pursuit of a wage claim or other suspected violation of these provisions, the Department may enter and inspect any workplace in the state, question employees, and investigate any matter deemed appropriate to determine if a violation has occurred. Likewise, agency personnel are authorized to hold hearings, subpoena witnesses and documents, and take depositions.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None*.

**PRIVATE CIVIL ACTION** — If the state labor department determines that it lacks jurisdiction over a wage claim, the claimant has the right to file the complaint in a civil suit, using a private attorney or public legal service provider.