Using Wisely® for Termination or Final Pay

If you are using the Wisely card to issue final pay to a terminating employee, please be aware that from a compliance perspective, the following elements are recommended for a payroll card to be appropriately used in such a manner:



1. The employee must have previously voluntarily elected to receive their full net pay on the Wisely card.
2. The employee must have previously agreed to the terms and conditions and associated fees of the card by activating the card.
3. The state in which the employee is employed must not require the employee's additional consent to be paid in a manner other than the one in which the employee was paid prior to termination.

If an employee was not previously receiving wages on an activated card, it is not recommended to use the card for delivery of termination pay. This is not a best practice, because prior voluntary consent may be required but difficult to demonstrate following the termination of an employee.

Additionally, employers must apply only the portion of pay that an employee has directed to an account. As a result, for an employee who previously provided consent but had only directed partial payment of their pay to their card (e.g., to receive a specific percentage or specific dollar amount of their pay each pay period onto the card), and where the final payment would not follow directions with respect to the same amounts, the payroll card should not be used to issue full final pay.

Other important considerations: It should also be noted that Federal Regulation E and most (if not all) state laws require that a payroll card cannot be the sole wage payment method offered. Be sure that you offer employees the alternative wage payment options required based on the applicable state law.

Frequently Asked Questions

Q: Why does the payroll card need to be activated to be used for termination or final pay?

A: Any payroll funds pushed by the employer to the card are not accessible to the employee until the employee activates the card. Until activation has occurred, any pay (termination or otherwise) directed by the employer to that employee may not be considered received by that employee from a wage-and-hour compliance perspective.

Q: Besides pushing wages to a card, what other options do I have to pay a terminating employee in an immediate-pay state?

A: Alternative methods of payment include a traditional paper check, direct deposit (in cases where the employee has consented to receive their final wages via direct deposit) and Wisely Now (Check and Push to Debit).[1] Please note that payments processed through ADP® are subject to the applicable funding and processing times in place.[2]

We hope this helps clarify best practices when using the Wisely card for termination or final pay for your employees. If you have any questions around your obligations related to termination or final pay, we suggest obtaining the advice of legal counsel.

[1] Wisely Now (Check and Push to Debit) are not Fifth Third Services.

[2] Fully funded Wisely Push to Debit payments are typically available in the Payee's account within 30 minutes.

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