

No. 31110 *Joyce Gress, individually and as class representative v. Advantage Food Products, Inc., a West Virginia limited liability company; Perdue Farms, Inc., a Maryland corporation*

FILED

December 9, 2003

**RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA**

Starcher, C. J., dissenting:

I dissent from both of the majority’s holdings on the issues of vacation pay and yield bonus pay. As I have stated previously in my dissents in *Ingram v. City of Princeton*, 208 W.Va. 352, 540 S.E.2d 569 (2000) (*per curiam*) and *Howell v. City of Princeton*, 210 W.Va. 735, 559 S.E.2d 424 (2001) (*per curiam*), the Legislature designed the Wage Payment and Collection Act to help working people in the collection of compensation for services rendered. “The West Virginia Wage Payment and Collection Act is remedial legislation designed to protect working people and assist them in the collection of compensation wrongly withheld.” *Mullins v. Venable*, 171 W.Va. 92, 94, 297 S.E.2d 866, 869 (1982). Through the WPCA, the “legislature has attempted to prevent employers from abusing their positions by compromising the wages of employees.” *Britner v. Medical Security Card, Inc.*, 200 W.Va. 352, 355, 489 S.E.2d 734, 737 (1997) (*per curiam*).

W.Va. Code, 21-5-9 [1975] requires that an employer’s “employment practices and policies” be “in writing,” so as “to spare workers from trying to hit an ever-moving target.” *Robertson v. Opequon Motors, Inc.*, 205 W.Va. 560, 566, 519 S.E.2d 843, 849 (1999) (*per curiam*). This Court further held, in Syllabus Point 6 of *Meadows v. Wal-Mart*