



Mineral



Question of the Week

August 27, 2025

Question

An employee recently resigned and hasn't yet returned some company equipment. Can we hold on to their final paycheck until they return everything?

ANSWER

No, you can't hold or delay an employee's final paycheck while waiting for company equipment to be returned. Federal law requires that employees receive their final paycheck by their next regular payday, while almost half of the states require that they be paid within a shorter timeframe. In both cases, the obligation to pay in a timely fashion exists regardless of whether the employee has failed to return company property.

Instead, we recommend making the return as simple as possible. You could arrange a time for the employee to drop the equipment off at your office, mail them a pre-paid shipping label and box to return the items, or offer to have a courier pick up the equipment. We recommend sending an email or letter outlining these options, setting a clear return-by date, and explaining that you may consider legal action if the company property isn't returned. Here is a [sample letter](#) you can use.

This Q&A does not constitute legal advice and does not address state or local law.