



FROM THE VIRTUAL DESK OF THE OU VEBBE REBBE

RAV DANIEL MANN



How to Determine ‘Paying on Time’

Question: I live in New York, but often people in Israel do work for me, which they send me via computer. How do I calculate my deadline to pay them and fulfill the *mitzva* to pay on time – based on my time-zone or my workers’?

Answer: I did not find *poskim* who deal with this question, which is not surprising, because the ability to work and pay at such a distance is new, and nowadays people do not usually pay for such jobs right away (see below). We must analyze the matter at its roots.

We will start with the general issue of time differences. Obviously, a person does *mitzvot* according to his time, but what about when they relate to someone or something with a different time? We cannot deal with all halachic applications, but the general rule is that the person deciding how to act follows his own time. Let us mention a couple of examples. At least fundamentally, one may operate in

a place where it is not Shabbat on behalf of one for whom it is Shabbat or operate equipment where it is Shabbat (see this column, Bamidbar 5774). One may not own *chametz* when he is in a place where it is Pesach even if the *chametz* is in a place where it is not Pesach. In the opposite case (it is on Pesach for the object, not the person), Igrot Moshe (OC IV:94) says that it is fundamentally permitted (he claims it creates a Rabbinic problem, while some say it is fully permitted).

On the other hand, it seems obvious that although a father is obligated to do/arrange a *brit mila* on his son’s eighth day, if the two are many time zones apart, he would have it done on his son’s eighth day. Why is that obvious? The *mitzva* of *mila* is focused on the baby. The father’s *mitzva* is as a facilitator. A proper facilitator has to act in sync with the baby who is becoming *nimol* and being impacted in the process. It may not always be simple to determine upon whom the focus is. In Living the Halachic Process (I, D-13) we discussed the possibility that *matanot la’evyonim* need to be given at a time when it is Purim both for



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the giver and the receiver.

So on whom is the focus regarding an employer paying a worker promptly (i.e., before the next change of day/night after receiving the product – Shulchan Aruch, Choshen Mishpat 339:6)? Is it the worker who may need the money promptly, or is it the employer, who must not procrastinate (or both, so that the time requirements of both must be met)? While philosophically, *Chazal* considered this *mitzva* crucial, likely due to the needs of the worker (see Devarim 24:15), the *mitzva* includes unusual *halachot* that focus on feasibility for the employer. For example, if a craftsman finished his work and informed the client, the payment clock does not start until the client receives it (ibid.; see opinions in Pitchei Choshen, Sechirut 9:(31) about cases where the employer improperly refuses to receive it). Also, if the employer does not have money available, he does not violate *bal talin* (Shulchan Aruch ibid. 10). In both cases, the worker may need the money as desperately as usual, but we follow the employer's situation, if he is not stalling

from his perspective. These are some of the indications (not proofs) that the basic *halachot* are based on the mandate on the employer not to procrastinate – apparently based on his circumstances.

These *halachot* are not usually practical because of another surprising leniency. If the worker knows that the employer usually has cash flow only on the market day or that he usually doesn't pay anything until he has calculated how much he owes, he is not obligated to pay right away. Also, it is only when the worker has asked (or assumed to want) immediate payment that the *mitzva* to pay promptly is activated (ibid.). Therefore, since in most cases, workers are not paid for several days after they give the work they did, the employer/client can keep within the normal range (see also Shach ad loc. 2). Of course, it is laudable to try (when feasible) to be ahead of the curve in paying workers (see Rav Pealim IV, CM 7), but the exactness you refer to is rarely needed. ■

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