

Where to File a Claim for Wages

A claim for unpaid wages can be filed with the U.S. Department of Labor Wage and Hour or the Pennsylvania Department of Labor and Industry. Please check the requirements listed below to determine where the claim should be filed.

<p>U.S. Department of Labor Wage & Hour Division Pittsburgh District Office Federal Building 1000 Liberty Ave., Suite 1416 Pittsburgh, PA 15222 Phone: (412) 395-4996; 1-866-487-9243</p>	<p>PA Dept. of Labor & Industry, Labor Standards Division 11th Floor State Office Building 300 Liberty Avenue Pittsburgh, PA 15222 Phone: (412) 565-5395</p>
<p>Types of Employers:</p> <ul style="list-style-type: none"> - Only claims against employers with a gross income of \$500,000 or more per year 	<p>Types of Employers:</p> <ul style="list-style-type: none"> - Claims against any type of employer that does business in Pennsylvania - No claims by subcontractors
<p>Types of Claims:</p> <p>Employers who fail to pay:</p> <ul style="list-style-type: none"> - Minimum wage - Overtime - No claims for wages owed, severance or vacation pay <p>The DOL federal agency will also investigate claims involving:</p> <ul style="list-style-type: none"> - Child labor provisions of the Fair Labor Standards Act (FLSA) - Family and Medical Leave Act (FMLA) - Migrant and Seasonal Agricultural Worker Protection Act (MSPA) - Worker protections provided by temporary visa programs - Prevailing Wage requirements of the Davis-Bacon Act (DBA) and the Service Contract Act (SCA) 	<p>Types of Claims:</p> <p>Employers who fail to pay:</p> <ul style="list-style-type: none"> - Any wages owed - Minimum wage - Overtime - Prevailing wage for construction projects - Claims for vacation and severance pay can be made if vacation or severance pay is owed based on a written contract or policy <p>The state agency will also investigate claims involving:</p> <ul style="list-style-type: none"> - Child Labor Law - Equal Pay Law - Industrial Homework Law - Employer Failure to Pay for Required Medical Exam - Personnel File Act - Seasonal Farm Labor Law - Workers' Compensation - Wage Payment and Collection Law

KNOW YOUR EMPLOYMENT RIGHTS

Wages – you have the right to be paid for all of your work!

You have the right:

- To be paid for all of the hours that you work or are required to be at work.
- To be paid at least \$7.25 per hour for every hour that you work.
- To be paid “overtime” for any hours that you work over 40 in a week. Overtime is 1½ times your normal pay.
- To only have deductions taken out of your paycheck that are allowed by law, such as for health insurance, union dues, and taxes. Employers cannot deduct money from your paycheck for broken equipment or materials.
- To receive a paycheck for your last weeks of work, even if you were fired!
- To receive a pay stub each week that lists your hours worked, money earned, and deductions.
- Most people that work for a company are *employees*. Don’t let your boss call you an independent contractor to avoid paying you the minimum wage or overtime!

Wage Example

If you are normally paid \$10 per hour and work 45 hours in a week, you should receive:

- \$10 per hour for the first 40 hours of work
- \$15 per hour for the last 5 hours that you work. \$15/hour is your overtime rate.

Keep a record of all of your hours if you do not receive a pay stub from your work!

**YOU HAVE THESE RIGHTS EVEN IF YOU ARE A
NON-CITIZEN/UNDOCUMENTED!**

Unemployment Compensation (UC)

- UC is government money for many workers who have lost their job.
- Qualifying for UC depends on how much you earned and how much you worked over the last 15 months
- You are generally only eligible for UC if you were fired from your job, but not for *willful misconduct* or if you were forced to quit.
- You must be able and available to work to get UC.
- File claim by calling 1-888-313-7284 or going to <http://www.uc.pa.gov>.

Discrimination – you have the right to work free of discrimination!

- It is illegal for your employer to treat you differently because of your
 - Race, Color, Age (if you are over 40), National Origin, Religion, Gender, Disability, Pregnancy, and Sexual Orientation (in Philadelphia only)
 - This means that you cannot be fired, paid less, or be given different work because of any of these traits.
- It is illegal for your employer to allow sexual harassment at the workplace!

If you have been discriminated against at work, you need to file a claim very quickly. You can file a claim by calling any of the following agencies:

- Equal Opportunity Employment Commission (must file within 300 days) – 800.669.4000
- Pennsylvania Human Relations Commission (must file within 180 days) – 412.565.5395
- Erie Human Relations – 814.451.7021

Family and Medical Leave

- You have the right to take up to 12 weeks of unpaid leave to care for a new child, to care for a child, spouse or parent with a serious health condition, or to care for your own serious health condition.
- To qualify for this law, you must work in a business that has at least 50 workers working in the area and you must have worked for at least 12 months at the employer and for at least 1250 hours in the last year.
- You must give at least 30 days notice of your need to take leave, if possible. If an illness is sudden, you must give notice to your employer as soon as possible.

Criminal Records— you have rights, even if you have a record!

Criminal records are easy for employers to look at. Many employers use criminal records to deny people employment. You have rights even if you have a criminal record!

What should you do if you have a criminal record?

- Look at a copy of your PA record: <http://ujportal.pacourts.us/docketsheets/cp.aspx>
- Get an expungement any crimes that you haven't been convicted of!
- Try to get a pardon for any convictions.

Employers can use a criminal record to deny you a job in some situations, but not always.

- In PA, an employer can only consider convictions for misdemeanors and felonies, not arrests.
- Employers cannot automatically exclude people for a record except under certain laws.
- A number of laws prevent employers from hiring people with certain types of convictions.
 - Generally these are jobs for people with professional licenses and work that involves children and the elderly.
- Child abuse reports are non-criminal, but can prevent you from getting a job. You should appeal a child abuse report *immediately!*

Anti-Retaliation!

It is illegal for your employer to fire you or take any adverse action against you because you filed a claim under any of the laws discussed in this document!

Contact A Lawyer if You Need Help!

Northwestern Legal Services

In Erie Area: 452-6957

Toll Free: 1-800-665-6957

www.nwls.org