

## **UNPAID WAGES AND OVERTIME**

The Fair Labor Standards Act (FLSA) and the Delaware Wage Payment and Collection Act (“WPCA”) require employees be paid at least the minimum wage and not less than one and one-half times their regular rates of pay for overtime hours worked.

### **Know Your Legal Rights and How to Take Action**

Are you one of the millions of employees whose workplace rights have been violated? Find out by contacting me for a free, no-obligation evaluation of your case by completing the request a free legal consultation form at the top of this page or by calling us at 1-302-674-2210 or emailing me at [poliquin@avenuelaw.com](mailto:poliquin@avenuelaw.com).

## **WORKERS HAVE RIGHTS**

These laws also established recordkeeping requirements and youth employment standards. **Most importantly they protect workers by guaranteeing a minimum pay rate for all workers during their 40 hour work week and for overtime pay.**

**It is illegal for employers to retaliate against any employee to assert his rights under either law.** In this time of economic uncertainty, it is natural for employees to feel they have little choice but to accept whatever their boss pays them, regardless of the law. Unfortunately, many employers rely on these very fears and make the “economic choice” to ignore them- counting on workers cannot rest on employment rather than asserting their rights as mandated by law.

Employees of every social economic and educational background suffer from wage violations. The company will often purposefully misclassify an employee (labeling the employee of associate manager) to dupe them into working overtime without getting paid for it.

Just here in Delaware, employers of all types and sizes commit wage violations. These laws protect employees, if employees fail to take action then the protections they guarantee become virtually meaningless.

The best way to find out if you are truly exempt is by seeing an attorney. Delaware employers are “lawyering up” to defend against claims of wage violations. Large

corporate law firms regularly present extensive seminars targeted so employers can defend against widespread wage violation claims.

If you are thinking of making a claim, it is important that you do not wait since the statute of limitations runs between three and two years depending if the violation was willful.

### **What about the costs and expenses of a lawsuit?**

Depending on the facts and circumstances of the case, I often take wage violation claims on a contingency fee basis. However, both the client and myself will negotiate the agreement based on the facts and circumstances of each individual case.

The FLSA and WPCA warrant a variety of remedies to workers such as mandatory double damages, mandatory attorney fees and costs, training time, and numerous other awards owed to wrong and employees. In addition, unless all employers are covered and a worker may sue not just the company but any individual employee involved in a control of wages as well as business operations.

Under the FLSA, a prevailing or winning plaintiff's attorney automatically is entitled to attorney's fees from the defendant. The FLSA does not define the term "reasonable attorney's fees"; the amount of the award lies within the court's discretion. Such an award is not changed on appeal unless it is clearly excessive or insufficient.

### **EMPLOYER IGNORANCE IS NOT AN EXCUSE**

Some employers intentionally choose not to pay overtime or minimum wages in an attempt to cut costs. Others fail to pay because they simply don't understand the law. Whatever the reason for the violation, theft of wages causes financial hardship for workers who are trying to provide for their families

Virtually all employers commit workplace violations from low-level factory workers to college-educated white-collar associates

### **BECOME AN INFORMED EMPLOYEE AND THEN MAKE A DECISION**

Especially in today's economy, no one wants to risk termination due to complaints than a sour their relationship with their boss. I promise to respect your choice to make a claim after meeting with me during a free confidential private consultation which will let you know not only what your rights are but also your options. The last thing I would do is hurt you or your family. Even though the law requires that no employer may retaliate against an employee for making a claim or retaining an attorney, the choice will be ultimately yours.

## **WHAT YOUR BOSS DOESN'T WANT YOU TO KNOW, WILL HURT YOUR BANK ACCOUNT**

### **WHO WILL YOU HAVE ON YOUR SIDE?**

#### **A Recent Independent Research Study of 4,387 Front-Line U.S. Workers Revealed:**

- 26% were paid less than the legally required minimum wage.
- Among those working over 40 hours, 76% were not paid the legally required overtime rate.
- 70% of workers who came in early or stayed later were not paid for work performed outside of their regular shift.
- 30% of tipped workers were not paid the tipped worker minimum wage, while 12% experienced tip stealing by their employer or supervisor.