

Your options:

Call the police (911) and make a report of theft of services.

If you are owed less than \$ 2,000

You can file a report with the State Department of Labor (USDOL) Wage and Hour Division, (501) 682-4500. They will investigate the company or individual defendant. The State Department of Labor handles cases of wage theft under \$2000, they will investigate cases in which the company or individual defendant refuses to pay an agreed salary while not in violation of minimum wage requirements or have refused to pay overtime. The Federal Department of Labor investigates a company in violation of minimum wage laws or in overtime disputes. The amount does not matter. To file a report with the federal DOL the company must either make more than \$500,000, be involved in interstate commerce, and have more than two employees.

If you owe less than \$ 5,000

You may file a suit in Small Claims Court in your city. A fee is requested for the legal process and the implementation process to file a court case.

Municipal Courts:

Springdale: 201 Spring St. 479-750-8150

Fayetteville: 100 West Rock 479-587-3592

Rogers: 1901 S. Dixieland Rd. 479-621-1138

If you owe more than \$ 5,000

If the amount of wages owed is over \$5000, you have the option of getting a lawyer to provide legal advice. You have the option of filing a report with the Federal DOL. You can find a lawyer on your own or can get help from the Legal Aid Clinic of Fayetteville, (479) 442-4204. The cost depends on the lawyer, so it is recommended to use lawyers with expertise in wage theft. If you want to speak to a lawyer, usually the first visit is free.

If I'm paid with a hot check, what can I do?

If you have been paid with a hot check, first let your bank know and have them stamp the check bounce for one of the following reasons: Closed Account, or Insufficient Funds. In some banks, they process the check and create a legal copy of the original check. SAVE THE CHECK. Having done this you can begin to make a report with the Prosecuting Attorney's Office, it is necessary to have a legal copy or an original check to file the Prosecutor's Form Affidavit. It is a felony to issue hot checks for more than \$500. The prosecuting attorney will send out a warrant charging the company that provides these checks. It is very important to act as soon as possible; the Center can help fill in the affidavit form.

Immigration Status and the Department of Labor (USDOL) Wage and Hour Division.

The Department of Labor (DOL) investigates all registered complaints filed by workers regardless of citizenship or immigration status of the employee. The DOL does not ask the immigration status of an individual, nor do inspectors who report irregularities in I-9 forms; forms which they keep once they investigate a report.

Hourly Minimum Wage

On July 24, 2009 the minimum wage increased from \$ 6.55 per hour to \$ 7.25 per hour federally. The minimum wage in Arkansas as of October 2009 is \$6.25.

How do I know I'm being paid well for my services?

If you are paid by contract, by law, the employer must pay a minimum wage. For example, if you work 40 hours and earn \$300 a week by contract, no problem, the minimum wage you would earn weekly is \$262 weekly. If you work more than 40 hours, for the same wage, the employer is violating the minimum wage regulations by not paying overtime. Although there is a contract employers are still required by law to meet minimum wage. If that is happening to you, you must file a report with the federal Department of Labor.

How to Prevent Being a Victim

- Before accepting work, clarify working conditions (i.e. Wage, by contract, or per hour, duration, responsibilities and rights.)
- Whenever possible insist on obtaining a written contract with your employer. Keep a copy of your contract.
- Keep a log of your employer and coworkers. (i.e. address, phone number, company name, owner's name, license number, the contractor or subcontractor.)
- It is very important to keep close track of the number of hours you've worked, wages paid, to keep copies of checks or originals, information about places where you've worked and even phone numbers of co-workers.
- If you're paid in cash, ask your employer to give you a receipt with his/her signature, date, and amount paid.
- If you have employees you should keep a record of all financial activities. If you have no accounting experience is necessary to seek help from an accountant. If you have started your own company or business request legal advice.

All this information can benefit you if you are a victim of wage theft.



Do not be afraid to ask for this information to your employer is part of their labor rights. You are the first line of defense to prevent being a victim.

Phone number: (479)-750-8015

Address: NWA Workers Justice Center

2200 W. Sunset, Suite B-4

Springdale, AR 72762



WAGE THEFT

Did you work and were not paid?



Find out what you can do to not be blackmailed!



**In affiliation with
Interfaith Worker Justice**