

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Tractor Supply Company

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages
RSA 275:43 I unpaid bonus
RSA 275:43 I unpaid commission

Employer: Tractor Supply Company, 5401 Virginia Way, Brentwood, TN
37027

Date of Hearing: April 29, 2015

Case No.: 49915

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$6,930.89 for a 2014 unpaid bonus; \$2,310.30 for a 2014 District Profit Plan bonus; and \$3,300.00 for a 2014 District Profit Plan “over goal” bonus. He argues he met all the criteria to earn the bonuses and the employer failed to pay the bonus/wages due.

The employer agrees the claimant met the criteria to earn the bonuses for 2014, however, pursuant to the written policy, an employee must be an active employee at the time of the payments to be eligible to receive the bonus.

FINDINGS OF FACT

The claimant began working for the employer in 2008 as a team member. He subsequently became a key holder, assistant manager, and store manager in 2012. The employer terminated his employment on January 26, 2015.

Both parties agree the claimant met the criteria during fiscal year 2014 under the bonus program.

The employer argues the claimant is not due any bonus payment as he was not an active employee at the time of the bonus payments, as required by the written policy.

The employer paid bonuses for 2014 in March 2015.

RSA 275:49 I requires that an employer inform employees of the rate of pay, including bonus, at the time of hire. Lab 803.03 (a) requires that an employer inform employees in writing of the rate of pay at the time of hire and prior to any changes. Lab 803.03 (f) (6) requires an employer maintain on file a signed copy of the notification.

The employer's written policy regarding the bonus program reads, in relevant part, "Notwithstanding any other eligibility criteria discussed herein, an employee is not eligible to earn a bonus under the Plan unless the employee is employed by the Company at the time the bonus is paid."

The employer did not maintain on file a signed copy of the employee's acknowledgement of the written policy regarding the bonus program.

However, the employer provided credible testimony that the claimant received the policy via company email annually, as well as receiving a copy with his annual bonus payment. He also disseminated the policy to new employees.

The claimant admitted the policy was available via "The Barn" which is the employer's intranet. Though he was familiar with the policy, he stated he did not read the portion stating he must be an active employee to receive the bonus.

The Hearing Officer finds the claimant was aware of the written policy and it was readily available in many formats, particularly in his role as store manager.

The Hearing Officer finds the claimant failed to prove by a preponderance of the evidence that he is due the claimed bonus under the written policy of the employer.

DECISION

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds that the claimant failed to prove by a preponderance of the evidence that he is owed the claimed bonus/wages, it is hereby ruled that the Wage Claim is invalid.

Melissa J. Delorey
Hearing Officer

Date of Decision: May 12, 2015

MJD/kdc