

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

CROSSMARK

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Crossmark, 5100 Legacy Dr, Plano, TX 75024

Date of Hearing: October 13, 2015

Case No. 51403

BACKGROUND AND STATEMENT OF THE ISSUES

A Wage Claim was filed with the Department of Labor on August 25, 2015. The notice was sent to the employer and there was no objection until after the Notice of Hearing was sent out. The Notice of Hearing was sent to both parties on September 24, 2015. The Wage Claim was filed for \$216.00.

The claimant testified at the start of the hearing that, after a review of the records submitted by the employer, she has been paid for the time worked. The claimant withdrew her Wage Claim.

The claimant did have some concerns about the working conditions and the employer agreed to contact the claimant about the concerns after they did a review. The Attorney for the employer asked the claimant to contact her with concerns.

The Wage Claim is withdrawn by the claimant

FINDINGS OF FACT

RSA 275:43 I Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee:

- (a) In lawful money of the United States;
- (b) By electronic fund transfer;
- (c) By direct deposit with written authorization of the employee to banks of the employee's choice;
- (d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or
- (e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full amount of the wages due; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

The claimant withdrew the Wage Claim as she reviewed the submissions and realized that she had been paid.

The employer agreed to review some concerns outside of the Wage Claim and will work with the claimant.

DECISION AND ORDER

The Wage Claim has been withdrawn by the claimant.

Thomas F. Hardiman
Hearing Officer

Date of Decision: November 2, 2015

TFH/kdc