

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Energy Improvements Inc

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Energy Improvements Inc, PO Box 4085, Concord NH 03301

Date of Hearing: May 1, 2107

Case No.: 54901

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$1,200 in unpaid wages for miscalculations in his hours worked. He argues he received a check in the mail from a Department of Labor audit because he had not been paid properly regarding an issue with lunch periods. He requested time sheet from the employer, He received forty-five time sheets from the employer but he was only able to read approximately thirty. He calculated the time due from the thirty sheets and doubled that amount to account for the time cards which he was not able to read. He also increased the hourly rate from \$16 per hour to \$24 per hour for any time cards he could not read.

The Department notified the claimant that any overtime portion of the wage claim was not within the jurisdiction of this Department.

The employer, through their written objection, denied the claimant was not paid for all time worked. However, at the hearing, the employer agreed the claimant was due 3.75 hours of time which was miscalculated, however, it was all overtime wages.

FINDINGS OF FACT

The claimant worked for the employer from 2005 through October 2015, when he resigned. He was an hourly employee earning \$16 per hour for relevant times of this claim.

The claimant argues the employer miscalculated his time records and owes him an approximate amount of \$1,200.

The employer disagrees the claimant is due \$1,200, and argues he is due only 3.75 hours of wages, which are all overtime wages.

The claimant's calculation of the time cards which he agrees were legible, were amiss in the rounding calculation. Further, he simply doubled the amount he calculated as due in thirty of the times sheets, for the remaining fifteen time sheets, which is only half of the number of time sheets used in the original calculation.

The employer's argument that any wages due are overtime wages appears to be correct, pursuant to Defendant's Exhibit #1. The claimant did not appear to have any weeks in which he worked less than forty hours, making any additional compensable time due pursuant to overtime laws, as the employer is subject to the US Department of Labor regulations.

Therefore, this Department lacks jurisdiction in this matter.

DECISION

Based on the testimony and evidence presented, as RSA 279:21 VIII exempts employees covered under the Fair Labor Standards Act, it is hereby ruled that the Wage Claim is invalid due to a lack of jurisdiction by this Department.

Melissa J. Delorey
Hearing Officer

Date of Decision: May 16, 2017

Original: Claimant
cc: Employer

MJD/das