

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**



**V**

**Logo Loc Inc**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43 V unpaid vacation pay

**Employer:** Logo Loc Inc, 60A Pulpit Rock Rd, Pelham, NH 03076

**Date of Hearing:** March 13, 2017

**Case No.:** 54602

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserts he is owed \$680.00 for forty hours of unpaid vacation pay, upon his separation from employment.

The employer denies the claimant was is due any vacation pay under the written policy.

**FINDINGS OF FACT**

The claimant worked for the employer in a leased agreement between Surge Industries and Logo Loc LLC. Logo Loc, LLC was later purchased by Logo Loc, Inc.

The claimant argues he is due \$680.00 for forty hours of unpaid vacation pay, upon his separation from employment.

The employer argues the written policy states, in relevant part, "Any unused vacation time will be forfeited by employee upon separation with the company for any reason."

The claimant signed an acknowledgement for the written policy on March 3, 2016.

RSA 275:49 III requires that the employer make available to employees in writing, or through a posted notice maintained in an accessible place, employment practices and policies regarding vacation pay. Lab 803.03 (b) requires employers to provide his/her employees with a written or posted detailed description of employment practices and policies as they pertain to paid vacations, holidays, sick leave, bonuses, severance pay, personal days, payment of the employees expenses, pension and all

other fringe benefits per RSA 275: 49. Lab 803.03 (f) (6) requires an employer maintain on file a signed copy of the notification.

The employer properly noticed the claimant of the written policies and practices regarding vacation pay. The claimant signed a copy of the acknowledgment on March 3, 2016, as required by RSA 275:49 and Lab 803.03 (f)(6).

The claimant's argument that he was unable to locate his copy of the written policy and that the employer did not provide a copy upon his request, is not persuasive as the employer did provide a copy at the time he signed the acknowledgment. Though the claimant did assert he may not have filed this claim had he been apprised of the written policy upon his original request.

The Hearing Officer finds the claimant failed to prove by a preponderance of the evidence he is due the claimed vacation pay 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 RSA 275:43 V considers vacation pay to be wages, when due, if a matter of employment practice or policy, or both, and as this Department finds that the claimant failed to prove by a preponderance of the evidence that he is due any vacation pay, it is hereby ruled that the Wage Claim is invalid.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: March 23, 2017

Original: Claimant  
cc: Employer

MJD/das