

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



**V**

**Thielsch Engineering Inc**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43 V unpaid Paid Time Off (PTO)  
RSA 275:43-b unpaid salary

**Employer:** Thielsch Engineering Inc, 195 Frances Ave, Cranston, RI 02910

**Date of Hearing:** May 30, 2107

**Case No.:** 54998

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant originally asserted, through the filing of his wage claim, that he was owed \$466.38 for 9.7 hours of PTO and \$1,923.08 in unpaid salary. He alleges he was terminated by the employer at the end of the first week of a biweekly pay period and only received payment for the first week of the pay period.

At the hearing, he removed the claim for PTO as he received payment and wished to continue for the unpaid salary.

The employer denies the claimant was is due any further salary. He received severance pay which covered any remaining salary due.

**FINDINGS OF FACT**

The claimant worked for the employer as a salaried employee until his layoff on March 3, 2017. He received a biweekly salary of \$3,846.16.

The claimant argues he was laid off on March 3, 2017, which was the end of the first week of the biweekly pay period of February 27 through March 12, 2017. He received only one week of salary, or \$1,923.08, and seeks the second week as due.

The employer agrees they paid the claimant only one week of salary, however they argue the claimant received two weeks of severance pay, which covers any outstanding salary due.

Severance pay is separate and distinct from salary due under RSA 275:43-b. The employer did not notify through any written policy, as would be required under RSA

275:49, that any severance payment would constitute remuneration for earned but unpaid salary.

RSA 275:43-b requires that an employer pay a salaried employee their full salary for any pay period in which the employee performs any work. It also allows employers to make deductions to a salaried employee's wages under certain circumstances, but none of those exceptions apply to the facts of this case.

Therefore, the Hearing Officer finds the claimant proved by a preponderance of the evidence he is due the claimed salary in the amount of \$1,923.08.

### **DECISION AND ORDER**

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-b requires that a salaried employee received their salary, in full, for any pay period in which they perform any work, and as this Department finds that the claimant proved by a preponderance of the evidence that he was not paid all wages/salary due, it is hereby ruled that this portion of the Wage Claim is valid in the amount of \$1,923.08.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$1,923.08, less any applicable taxes, within 20 days of the date of this Order.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: June 5, 2017

Original: Claimant  
cc: Employer

MJD/das