

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



**V**

**JPG Delivery Systems Inc**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
RSA 275:43-b unpaid salary

**Employer:** JPG Delivery Systems Inc, 125 S Main St, Newton, NH 03858

**Date of Hearing:** May 11, 2017

**Case No.:** 55002

**BACKGROUND AND STATEMENT OF THE ISSUES**

The claimant asserted, through the filing of her wage claim, that she was owed \$750.00 in unpaid salary.

At the hearing, she clarified that she was a weekly salaried employee earning \$750 per week, and did not receive her full salary during several weeks of her employment. She could not identify those weeks immediately.

The employer denies the claimant was not paid for all time worked. He asserts the claimant was not paid a weekly salary, but rather a daily salary of \$130.00 initially and then increased to \$150.00 per day.

**FINDINGS OF FACT**

The claimant worked for the employer from June 2013 through July 20, 2016, for a daily rate of \$130, then a raise to \$150 per day.

The claimant argues she did not receive her full weekly salary of \$750 for all pay periods during her employment. She acknowledges she had seen the notification showing a daily rate of an initial rate of \$130 per day, which increased to \$150 per day. She argues the signature on the form is not hers. She alleges she did not sign it because she knew she was a weekly salaried employee, not a daily salaried employee.

The claimant acknowledged that she received \$150 for each day worked.

The employer argues that the claimant was notified that she was to receive a daily rate of \$150 for each day she performed work, not a weekly salary, via Defendant's Exhibit #1.

RSA 275:49 I requires that an employer inform employees of the rate of pay 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 properly noticed the claimant that her wages would be paid at a daily rate of \$150.00. Even if she did not sign the forms, she admitted she knew that the forms existed and that they reflected a daily rate of \$130 per day and subsequently \$150 per day.

The employer provided credible testimony and evidence that the claimant received her daily rate of \$150 per day for each day worked.

The Hearing Officer finds the claimant failed to prove by a preponderance of the evidence that she is due the claimed salary.

### **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 she is owed the claimed wages, it is hereby ruled that the Wage Claim is invalid.

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Melissa J. Delorey  
Hearing Officer

Date of Decision: May 15, 2017

Original: Claimant  
cc: Employer

MJD/das