

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

[REDACTED]

V

SMC Corp of America

DECISION OF THE HEARING OFFICER

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

Employer: SMC Corp of America, 10100 SMC Blvd, Nobleville, IN 46060

Date of Hearing: May 16, 2107

Case No.: 55029

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant originally asserted, through the filing of his wage claim, that he was owed \$2,730.77 in unpaid wages salary. The employer terminated his employment and did not pay his full salary for the pay period.

At the hearing, the claimant clarified that he was seeking \$1,807.44 for nine days of unpaid salary and removed the claim for vacation pay/Paid Time Off.

The employer agrees they terminated the claimant's employment and paid him for the days worked and accrued Paid Time Off.

FINDINGS OF FACT

The claimant worked for the employer from March 2016 through March 20, 2017, when the employer terminated his employment. The claimant was a salaried employee paid on a biweekly basis earning \$2,008.27.

The claimant argues he was terminated and did not receive his full salary as required by RSA 275:43-b. He seeks nine days pay as he worked March 20, 2017, which he claims was the first day of the pay period.

The employer argues they paid the claimant for days worked in the pay period prior to his termination, which she credibly stated as six days, not the one day as stated by the claimant. She admitted she did not know the reason for the claimant's termination, other than the testimony provided by the claimant and the information he provided in the initial wage claim.

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.

The Hearing Officer finds the claimant proved by a preponderance of the evidence he is due the balance of his salary. The claimant miscalculated the days worked as one, rather than six days into the biweekly pay period. The Hearing Officer finds he is due the balance of four days of salary, or \$803.31 (Biweekly salary of (\$2,008.27/10)* four days not paid).

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 \$803.31.

The employer is hereby ordered to send a check to this Department, payable to [REDACTED], in the total of \$803.31, less any applicable taxes, within 20 days of the date of this Order.

Melissa J. Delorey
Hearing Officer

Date of Decision: June 2, 2017

Original: Claimant
cc: Employer

MJD/das