

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

Infiniti of Nashua

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages/bonus

Employer: Infiniti of Nashua, 11 Marmon Dr, Nashua NH 03060

Date of Hearing: April 18, 2018

Case No.: 56789

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts he is owed \$8,000 in unpaid bonus for Infiniti money.

The employer denies the claimant is due any bonus money pursuant to the written policy.

FINDINGS OF FACT

The claimant worked for the employer from July 5, 2016 through February 5, 2018, when he was terminated by the employer. He was in the position of Sales Manager beginning October 2017 until he separated from the employer. He received a weekly draw and bonus.

The claimant argues he did not receive a bonus for "Infiniti money" that the employer verbally promised him after one month as the Sales Manager. He argues he received a pay plan on October 6, 2017, however, a second plan was supposed to be forthcoming, but he never received it.

The employer argues that she never told the claimant he would be getting more money, but rather that if he worked hard he would make the \$10,000 he said he needed to make per month, according to his pay plan.

RSA 275:49 I requires that an employer inform employees of the rate of pay, including bonus, 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 notified the claimant on October 6, 2017, of his new pay plan with the promotion to Sales Manager. He also signed an acknowledgement for the employee handbook on November 23, 2016.

The claimant's argument that the employer told him he would be getting additional Infiniti money is not persuasive in light of the written pay plan and the employer's credible testimony that the conversation was about making more money under the terms of his current pay plan.

The employer provided credible documentation, previously submitted, that the claimant received all wages due under the written pay plan.

Therefore, the Hearing Officer finds the claimant failed to prove by a preponderance of the evidence he is due the claimed bonus under his written pay plan.

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 he is owed the claimed wages/bonus, it is hereby ruled that the Wage Claim is invalid.

██████████
Hearing Officer

Date of Decision: May 1, 2018

Original: Claimant
cc: Employer

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