

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE

████████████████████

v

Scott Electronics Inc

DECISION OF THE HEARING OFFICER

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

Employer: Scott Electronics Inc, 33 Northwestern Dr, Salem NH 03079

Date of Hearing: May 29, 2018

Case No.: 57062

BACKGROUND AND STATEMENT OF THE ISSUES

The claimant asserts she is owed \$750 for an unpaid bonus due after 90 days of work which the Indeed.com website indicated she would receive. She acknowledges she received a \$250 referral bonus, and her sister, ██████████, received a \$500 referral bonus.

The employer agrees the claimant received a \$250 referral bonus, and her sister, ██████████, received a \$500 referral bonus. The Indeed.com website does show a \$750 after three months of employment. However, an employee can only receive the referral bonus or the sign-on bonus through the website, not both.

FINDINGS OF FACT

Both ██████████, the claimant's sister, and the claimant, submitted job applications to this employer via the Indeed.com website. The website job listing noticed the claimant she would "be eligible for a \$750 sign on bonus after 3 months." Nothing in this job description, previously submitted, reveals any other or different methodology of bonus payments or practices.

██████████, the claimant's sister, was hired by this employer prior to January 9, 2018. The Human Resource representative spoke with ██████████ regarding her sister ██████████'s application because it was similar to ██████████, as they had worked at the same employer previously.

The claimant was hired on January 9, 2018 and resigned her employment in April 2018, following the issue regarding the payment of this bonus.

The claimant acknowledges the employer approached her about changing the sign on bonus described in the Indeed.com listing and changing it to a referral bonus, but she did not understand that she would not receive the sign on bonus as well.

██████████ received a \$750 sign on bonus as she was hired through the Indeed.com website. Then on April 21, 2018, she received a \$500 referral bonus for the hire of her sister ██████████. The claimant received a \$250 referral bonus the same day.

The claimant seeks the \$750 sign on bonus she was notified she would receive in the Indeed.com listing.

RSA 275:49 I requires that an employer inform employees of the rate of pay, including any 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 correctly notified the claimant, in writing, that she would receive a \$750 sign on bonus after the completion of 3 months. There is no dispute that she completed three months of work for the employer. The employer is precluded from changing that offer after the bonus period has begun to a lesser plan by Lab 803.03 (c) and (d).

The fact the employer chose to give another type of bonus over and above the noticed \$750 sign on bonus does not negate their requirement to pay the originally noticed bonus.

Because the employer notified the claimant she would receive a \$750 sign on bonus after three months of employment and the claimant completed the three months of employment, the Hearing Officer finds the claimant proved by a preponderance of the evidence she is due the claimed bonus under the Indeed.com posting.

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 this Department finds that the claimant proved by a preponderance of the evidence that she is owed the claimed wages/bonus, it is hereby ruled that the Wage Claim is valid in the amount of \$750.

The employer is hereby ordered to send a check to this Department, payable to ██████████, in the total of \$750, less any applicable taxes, within 20 days of the date of this Order.

██████████
Hearing Officer

Date of Decision: May 30, 2018

Original: Claimant
cc: Employer

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