

# WAGE THEFT IS ILLEGAL

**In the United States, ALL workers have basic wage and hour rights, regardless of immigration status**

## YOUR EMPLOYER MUST PAY YOU FOR ALL HOURS WORKED

- Your employer must pay you regularly, and may not pay you late or less than promised.
- Your employer must pay you for every hour that you work or are required to be at work.
  - **Example:** You clock out at your end time of 5 PM, but your employer asks you to stay an extra 30 minutes to receive a late delivery. You are not paid for the extra 30 minutes.
- Your employer can pay you in cash, but you should receive a paystub every time you are paid that lists your hours worked, money earned, and deductions (such as for taxes).
- Employers cannot deduct money from your paycheck for broken equipment or materials!
- Your employer must pay you for your last weeks of work, even if you quit or were fired!

## YOUR EMPLOYER MUST PAY YOU AT LEAST \$7.25 PER HOUR

- The minimum wage in Pennsylvania is \$7.25 per hour.
- **Tipped Employees:** There are exceptions to minimum wage for workers who earn tips.
  - You must be paid at least \$2.83 an hour (before tips).
  - Your employer must guarantee a total wage of \$7.25 per hour, including tips.
  - It is illegal for your employer to take any of your tips.

## YOU MAY BE OWED OVERTIME

- The normal workweek is 40 hours. If you work more than 40 hours in a week, your employer must pay you at least 1.5 times your regular rate of pay for all hours worked over 40.
  - **Example:** Frank works 60 hours per week and makes \$10 per hour. He only gets paid \$600 per week. This is incorrect! Frank is not being paid overtime. He should be paid \$700 per week: 40 hours at his regular rate of \$10 per hour (\$400) plus 20 hours at his overtime rate of \$15 per hour (\$300) equals \$700.
- Farm workers and live-in domestic workers are excluded from this overtime requirement.

**Most people who work for a company are employees. Don't let your boss call you an independent contractor to avoid paying minimum wage or overtime!**



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# Protect Yourself Against Wage Theft

- Keep your own written records, especially if you work "under the table." You can use any calendar. Be sure to include:
  - All of the hours and dates that you worked.
  - Your employer's name, telephone number, and address.
  - If you work in construction, write down the addresses of your work locations and dates of work at each location. Or take photos!
- Save ALL of your pay stubs or copies of your paychecks.
  - If you are paid in cash, keep a record of the date and amount of each payment.

## What To Do If You Experience Wage Theft

- If your employer pays you incorrectly or fails to pay you once, it is a strong signal that the employer is not going to pay you properly in the future.
- Keep records and talk to your co-workers about taking action together.
- Talk to your employer with affected co-workers to figure out why you were not paid.
- Consider stopping work with this employer until you are paid.
- If you remain unpaid, take action. Find a community organization or lawyer to help you file a complaint to recover your wages.
  - In some cases, your employer may be required to pay additional penalties.

## Retaliation Is Illegal

- Your employer may not take retaliatory actions against you for filing a complaint.
  - **Examples:** Unjustified negative performance reviews, unwarranted disciplinary actions, changes in hours or job duties, salary reduction, and termination.
- Serious threats from an employer can be a crime.
- Protect yourself from retaliation by joining with another co-worker when complaining about working conditions such as pay.
- If you believe you are a victim of retaliation, you may file a complaint with the appropriate government agency. Contact an attorney to discuss your rights.
- Undocumented workers may face greater risks of retaliation and should seek the advice of an attorney before deciding whether to file a claim.
  - Learn more about immigrant workers' rights in our **Immigrant Workers Have Rights! Fact Sheet**.

**QUESTIONS? CONTACT CLS!**  
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