KNOW YOUR RIGHTS:

Wage Theft

Facts from the NC Justice Center's WORKERS' RIGHTS PROJECT

YOUR RIGHT to be paid for your work.

You have the right to be paid for your work. Wage theft is what happens when your boss does not pay you for work you have done, or does not pay you the right amount.

Wage theft is illegal. It can take several forms. Your employer may pay you less than the minimum wage or deny you overtime pay. Your employer may refuse to pay you at all.

Any time your employer underpays you or does not pay you for your work, that is wage theft.

How much should I be paid?

Minimum Wage – The minimum wage in North Carolina and nationally is $7.25 per hour. Agricultural workers on very small farms and some domestic workers are not covered. It does not matter if you are paid by the hour or per piece; you should get paid at least $7.25 for each hour worked. Even if you are undocumented, you have the right to be paid the minimum wage.

If your company or boss promises you more than the minimum wage, by law they have to pay you what they promised.

Overtime Pay – Your employer must pay you 1½ times your normal pay rate for all hours worked over 40 hours in a workweek. For example, if you make $7.25 per hour, and you work 45 hours in a week, you should be paid $10.88 per hour for 5 hours.

Overtime pay is based on the hours worked **each week**, not the hours worked each day or the number of days worked. Agricultural and domestic workers do not have to be paid overtime pay.

What time should I be paid for?

In addition to time you are working, time spent waiting at the worksite after you have reported for duty is paid time. Time spent in trainings and meetings your employer requires from you is paid time.

Your employer does not have to pay you for any time when you are free to use the time for your own purposes.

Transportation while on your employer's business between job sites is paid time. Time spent putting on or taking off required clothing or equipment is usually paid time. Ordinary home-to-work transportation is unpaid.

Did you know?

Before starting work ask for the name, address, and phone number of your employer as well as for the amount of money you will be paid.

Make sure your receive the correct pay:

- **Keep all your paystubs.**
- **Keep track of the hours you worked.**
- **Compare your record of the hours you worked with your stub.**

What deductions can my employer take from my paycheck?

An employer will deduct income taxes and taxes for Medicare and Social Security from your paycheck. In general, they are not allowed to make any additional deductions that bring your hourly cash pay below the federal minimum wage of $7.25 per hour, or below the wage they have promised to pay you. Usually, an employer must have you sign something that allows them to deduct for anything else. There are exceptions to this rule.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in North Carolina. However, this fact sheet does not address exemptions and does not go into detail regarding legal rights. In addition, laws and legal procedures are subject to frequent change and differing interpretations, and the North Carolina Justice Center cannot ensure the information in this sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

North Carolina Justice Center/ P.O. Box 28068/Raleigh, NC 27611/(919)856-2162/www.ncjustice.org

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The Workers' Rights Project offers factsheets on a range of topics, including:

- **Family and Medical Leave**
- **Health and Safety at Work**
- **Misclassification**
- **Unemployment Insurance**
- **Workers' Compensation**
- **Immigrant Workers' Rights**

You can find all of our factsheets at https://tinyurl.com/3pdbaksr

RESOURCES			
For help finding a lawyer, call:	North Carolina Advocates for Justice	1-(800) 688-1413	
	North Carolina Bar Association Lawyer Referral Service	1-(800) 662-7660	
	Legal Aid of North Carolina	1-(866) 219-5262	
TO FILE A CLAIM WITH A GOVERNMENT AGENCY OR TO SEEK INFORMATION ON THE FOLLOWING ISSUES, CONTACT:			
DISCRIMINATION	US Equal Employment Opportunity Commission	1-800-669-4000	www.eeoc.gov
E-VERIFY	Department of Homeland Security/EVerify	1-888-897-7781	https://www.e-verify.gov/
FAMILY & MEDICAL LEAVE	US Department of Labor	1-866-487-9243	www.dol.gov/whd
HEALTH & SAFETY	NC Department of Labor	1-800-NC-LABOR (625-2267) www.nclabor.com/osha/osh.htm	
MISCLASSIFICATION	Internal Revenue Service	http://www.irs.gov/pub/irs-pdf/fss8.pdf	
RETALIATION	NC Department of Labor, Employment Discrimination Bureau	1-800- 625-2267	www.nclabor.com/edb/edb.htm
UNEMPLOYMENT INSURANCE	NC Department of Commerce, Division of Employment Security	1-877-841-9617	https://www.ncesc.com/
UNIONS & COLLECTIVE ACTION	National labor Relations Board	1-866-667-6572	www.nlrb.gov
WAGE THEFT	NC Department of labor, Wage and Hour Bureau	1-800-625-2267	www.nclabor.com/wh/wh.htm
	US Department of Labor	1-866-487-9243	http://www.dol.gov/whd/
WORKERS' COMPENSATION	NC Industrial Commission	1-800-688-8349	http://www.ic.nc.gov/