

**How much
should I be
paid at
work?**



MFY LEGAL SERVICES, INC.
Workplace Justice Project

WORKERS HAVE RIGHTS

(REGARDLESS OF IMMIGRATION STATUS)

By law, all workers, regardless of their immigration status, have the right to:

- Be paid the **minimum wage (\$7.25/hour)** or an agreed-upon wage above \$7.25/hour
- Be paid for **every hour** of work
- Be paid for **overtime** (over 40 hours per week of work)
- Receive **workers' compensation** for work injuries
- Work in a **safe environment** that does not risk health or safety
- Work **free from discrimination** based on: race, religion, national origin, gender and age, disability, national origin, criminal conviction, and sexual orientation
- Work **free from unwanted sexual comments** or acts
- **Take action** with your co-workers to improve your work conditions and wages
- Belong to a **union**
- **Defend workplace rights** without threats or retaliation
- **Leave a job**, if you want to, and then collect the money that you are owed

MINIMUM WAGE

In New York State, the **minimum wage is \$7.25** per hour. For every hour you work, you must be paid no less than the minimum wage. If you are an:

- undocumented worker,
- domestic worker (nanny or maid),
- temporary worker,
- piece worker, or
- are paid a weekly salary,

you must be paid the minimum wage for every hour you work. And you must be paid a higher amount if your employer agreed to pay you more than the minimum wage.

Attention Tip Earners

You too have the right to minimum wage pay. If you receive tips as part of your wages, you must be paid no less than \$4.65/hour but only if your wages plus the tips you keep are no less than the minimum wage of \$7.25 for every hour that you work. Your employer is required to keep accurate records of the tips you keep and cannot force you to share tips with non-tipped employees.

WHAT IS YOUR HOURLY PAY RATE?

In order to determine whether your employer is paying you at least the minimum wage, divide your weekly earnings by the number of hours you worked in that week.

Examples

If your employer is paying you \$300 for 40 hours of work per week, you divide \$300 by 40, which comes to \$7.50/hr. This is **above** the \$7.25 minimum wage.

$$(\$300 / 40 = \$7.50/\text{hr})$$

If your employer is paying you \$300 for 50 hours of work per week, you divide \$300 by 50 which comes to \$6/hr. This is **below** the \$7.25 minimum wage and unlawful.

$$(\$300 / 50 = \$6.00/\text{hr})$$

You Are Entitled to Extra Pay If You Work More Than 10 Hours in One Day

You have the right to be paid an additional hour of pay at the minimum wage rate of \$7.25 for each day that you work more than 10 hours.

EXAMPLE

If you work 12 hours in one day and your regular hourly pay is \$10.00 per hour, you should earn:

$$\begin{aligned} & \$10.00 \times 12 = \$120.00 \text{ (Your regular pay)} \\ & \qquad \qquad \qquad + \\ & \$7.25 \text{ (An additional hour of minimum wage pay)} \\ & \qquad \qquad \qquad = \$127.25 \end{aligned}$$

OVERTIME

If you work more than 40 hours in a work week, you must be paid overtime. "Overtime" is one and a half times your regular hourly rate. A "work week" is any seven days in a row.

Every hour above 40 hours in a work week must be paid at one and a half times (1.5) your regular hourly rate.

EXAMPLE

Ana works 55 hours per week and makes \$8.00 per hour. How much should she be earning per week?

1. She should be paid \$8.00 for her first 40 hours of work.
(\$8.00 x 40 = \$320.00)
2. She should be paid \$12.00 for every hour worked over 40 hours ($\$8.00 \times 1.5 = \12.00). Because she worked 55 hours, she is owed for 15 overtime hours:

$$15 \text{ (overtime or "extra" hours)} \times \$12.00 = \$180.00$$

3. She should earn in total \$500.00 per week:

$$\begin{array}{r} \$ 320.00 \text{ (regular hours)} \\ + \underline{180.00 \text{ (overtime hours)}} \\ = \$500.00 \end{array}$$

Examples: Overtime

If Your Regular Rate is:	Your Overtime Rate is:	If Your Regular Rate is:	Your Overtime Rate is:
\$7.25	\$10.86	\$8.75	\$13.13
\$7.50	\$11.25	\$9.00	\$13.50
\$7.75	\$11.63	\$9.25	\$13.86
\$8.00	\$12.00	\$9.50	\$14.25
\$8.25	\$12.36	\$9.75	\$14.63
\$8.50	\$12.75	\$10.00	\$15.00

BEWARE OF EMPLOYERS WHO CALL YOU AN "INDEPENDENT CONTRACTOR"

Some employers may try to cheat a worker out of overtime pay by saying that the worker is an "independent contractor" who is in business for himself.

Even if you have agreed to work as an "independent contractor," you may be entitled to overtime pay.

Speak to a lawyer about this issue. If you're not really in business for yourself, your boss might owe you money for overtime work.

YOU HAVE THE RIGHT TO A REGULAR PAYDAY

You have the right to be paid your full wages on a regular payday at least twice a month. Manual laborers (construction workers) must be paid every week.

YOUR EMPLOYER CANNOT MAKE DEDUCTIONS FROM YOUR WAGES

An employer **may** make certain deduction from your wages including:

- federal and state taxes
- union dues
- health and pension benefits

An employer **may not** make deductions or force you to pay for things out of your own pocket that you are required to have a work. The employer **may not** deduct or reduce your wages for:

- things you broke
- poor performance
- punishment for being late
- the cost of purchasing and cleaning uniforms, supplies or equipment you are required to have at work, such as rubber gloves for cleaning or a bicycle for making deliveries.

KEEP GOOD RECORDS

Try to keep good records. Keep a small notebook and write information down **every day**, at a time when the information is fresh in your mind. You can use this information later to make sure that your employer pays you everything that you are owed. This can also make a big difference if you need to make a complaint later.

NOTES YOU SHOULD KEEP

- Dates that you worked
- Hour you start work each day
- Hour you stop work each day
- Amount of time for any breaks you take
- Number of pieces (if you were paid the piece rate) you completed
- Address and description of where you worked
- Description of the work you did
- Names of your boss and supervisors
- Name of any company you or your boss work with including the name written on the side of a truck
- License plate information for the vehicle your boss and supervisors drive
- Type of vehicle your boss and supervisors drive
- Phone numbers for your boss, temp agency, company or supervisors
- Names, phone numbers, and addresses of other workers
- Total pay received
- Anything your boss made you pay for or kept from your pay (like gloves, uniforms or transportation)
- Total pay owed

Even after a job is over, save all of your paystubs, pay envelopes or other proof of your work and pay.

PROTECT YOURSELF

Sometimes your employer or others may tell you information about the law that is not true. To make sure that your employer is not breaking the law, it is important that you understand your legal rights. You can begin by carefully reviewing this guide. Then, if you have questions, contact us.

Be careful of "notarios" who offer to help you with legal problems in exchange for money. **Notarios often do not have any special training in the United States and are not lawyers.**

GET LEGAL HELP

If you would like to talk to a lawyer about problems at your workplace, you can call MFY Legal Services at the times listed below and speak directly to an attorney:

MFY Legal Services, Inc.
Workplace Justice Project

Call 212-417-3838
Mondays & Tuesdays
from 2:00 pm to 5:00 pm

Our services are free and confidential.
We speak Spanish.



MFY LEGAL SERVICES, INC.

299 Broadway, 4th Floor

New York, NY 10009

www.mfy.org

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