



## **WAGE AND HOUR LAW HOLIDAY HIT LIST** **2004 Top Ten Wage and Hour Violations**

*(Or How to Avoid a New Hampshire Department of Labor Inspector in Your Company's Chimney and Fines in Your Stocking.)*

by

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It's that time of year again. We are closing in on the Holiday Season and year-end. This is always a time to look back and reflect. It is also a time to look ahead with a fresh perspective.

Huh? What's that? Do you hear what I hear? The knocking you hear may be reindeer on the roof, but it may also be the New Hampshire Department of Labor at the door. *(You know that the Feds usually call first.)* Let's hope the hissing you hear is the *Polar Express* and not your boiler or, worse, your employees as you walk by with the inspector. The jingling you hear could be the ornaments on the tree in the lobby or the sounds of car keys of your CEO who is scampering out the back door. Finally, the ringing could be church bells but it could also be a phone call from the Wage and Hour Administrator, Cynthia Flynn, telling you that you've got problems. Got your attention? Good. No, wait! Step away from the door and put the letter opener down! Help is on the way.

**With the assistance of the New Hampshire Department of Labor's Wage and Hour Division we have, again this year, compiled a list of the most common wage and hour offenses before the Department during the last year.** We think it is helpful to know what NHDOL is looking for and what they are finding out there. Let's take a look at the list, and, if you don't already know, here's a way, at least from a wage and hour compliance standpoint, to determine if you've been naughty or nice . . .



**Note: If you have more than a few items on this list, and if you don't correct them before NHDOL shows up, you might want to consider a few things on your Holiday wish list such as:**

- **A rich uncle.**
- **An alias.**
- **A copy of the new Martha Stewart book "1001 excuses for home and office."**
- **A handful of magic fairy dust to make this all" just go away".**

*Best wishes for a happy, healthy, prosperous and, as far as these matters are concerned, a quiet and peaceful New Year.*

*Jim*





## **2004 Top Ten List of Wage and Hour Violations** **in New Hampshire**

by  
**Attorney Jim Reidy**

10. *“Sorry, no work, no pay! This isn’t a Charity or a Country Club you know. Besides you can hold it until your lunch break can’t you?”*

**Work breaks, short in duration, deducted or not counted as hours worked.**

9. *“We want our folks to relax and enjoy their sandwiches. They shouldn’t have to punch out at lunch.”*

**Employers making automatic deductions from time cards for lunch.**

8. *“Overtime, oh no, all of our employees are exempt . . .  
... at least, that’s how we’ve always treated them.”*

**Failure to pay overtime to nonexempt employees.**

7. *“Hey, you didn’t return the laptop or the company car and I don’t want to know what those stains are on your uniform. It’s payback time buddy boy!”*

**Employers illegal and unauthorized pay deductions.**

6. *“No way, she should be happy that we paid her anything this week. We paid her plenty during the last 3 years and look what we got for it. Not a penny more!”*

**Not paying all wages due upon termination.**



5. *“I’m a man of my word and my handshake has always been good enough.”*

**Failure to provide employees with written notice of pay rates at time of hire and before any changes take effect.**

4. *“It’s kind of like HRIS meets Robocop. We call it ‘TIMECLOCKINATOR.’ It monitors all work hours, records time without employee involvement, makes automatic deductions, and brews a nice cup of espresso. We love it!”*

**Using illegal or improper electronic recordkeeping software.**

3. *“We treat everyone the same way. We respect each person as distinct, unique, independent and free beings.”*

**Treating everyone as an independent contractor.**

2. *“Safety is our first concern. We pride ourselves on no workers’ compensation claims for the last three years.”*

**Failure to secure and maintain workers’ compensation insurance.**

**AND THIS YEAR’S BIG WINNER . . .**



## **...The Number One Worst Wage and Hour (NH) violation form 2004...**

1. ***“Direct deposit? Check available in the office? Personal check? No problem! Now making sure there are sufficient funds to cover the check, that could be a problem.”***

**Bouncing paychecks: Insufficient funds to pay employees.**

***That’s it. That’s the list. How did you do? Remember:  
You better not shout, you better not cry, you better not  
pout, I’m telling you why, cause the NHDOL is comin’ to  
Town ....***



# ***Happy Holidays!***

***Jim Reidy***

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