

How to Enforce Your Right to Receive Minimum Wage

What is the minimum wage?

Beginning January 2, 2012 the minimum wage for Washington State workers ages 16 and older has increased to \$9.04 per hour. The minimum wage for workers under 16 years of age is \$7.68 per hour, the equivalent of 85% of the minimum wage. Employers may not use tips to compensate for any part of the minimum wage.

Employees must be paid 1 ½ times the regular rate for all hours worked over 40 in a workweek. Agricultural workers are generally exempt from overtime.

To ensure that you are receiving the proper hourly wage, you should write down all of the hours you work. You can use the last page of this publication to record your hours.

What if I am performing contract work?

Even if you are a contractor, your wages, at the end of every work week must equal minimum wage. For example, if you work 50 hours one week, you must receive at least \$452 in gross pay (50 hours x \$9.04).

What activities count as work that must be paid?

Generally, the time it takes to travel from your home to your place of employment does not count as work requiring compensation. However, once you have begun the workday, you must be paid for time that you spend traveling from one place to another. If your supervisor directs you to wait and not to leave a job site (for example while you wait for equipment or a vehicle to arrive), you must be paid for your time spent waiting.

Does my employer have to give me paid rest breaks?

The law requires that agricultural workers be given a 10 minute rest break for every 4 hours worked. These breaks must be paid. The law also requires a 30 minute meal break for every 5 hours worked. The employer is not required to pay you during the 30 minute lunch break.

What paycheck deductions are permitted by the law?

All deductions from your paycheck have to appear on your check stub. The law permits certain deductions when required by state or federal statute such as taxes and Social Security. Sometimes the employer deducts employees for lodging, tools, or transportation. Your employer cannot withhold money from your paycheck for loans, lodging, food or transportation **without your permission**. If the deductions reduce your pay below minimum wage, these deductions may be illegal.

How can I recover unpaid wages?

If you think that your employer has not paid you correctly, you should contact one of the legal services offices listed below or file a complaint with the Department of Labor and Industries office nearest you.

If your employer owes you money for agricultural work, you may have the right to file a lien against your employer's orchard or crops. If you qualify to file a lien, doing so will increase your chances of getting paid. You must file these liens between 20 or sometimes 40 days (depending on the type of lien) after the last day that you worked for the employer. The Department of Labor and Industries cannot help you file

a crop or orchard lien against your employer. If you want to file a lien against your employer, you should seek legal advice and assistance immediately. For more information about your rights as a farm worker, you may call:

CLEAR 1-800-201-1012

(Coordinated Legal Education, Advice, and Referral)

CLEAR provides free legal services for low-income and senior citizen residents of Washington. The intake line is open Monday – Friday 9:15 am – 12:15 pm.

COLUMBIA LEGAL SERVICES

<p>Wenatchee 300 Okanogan Avenue, Suite 2-A Wenatchee, WA 98801 (509) 662-9681 1-800-572-9615</p>	<p>Yakima 600 Larson Building 6 South Second Street Yakima, WA 98901 (509) 575-5593 1-800-631-1323</p>	<p>Tri-Cities 418 - F N. Kellogg Street Kennewick, WA 99336 (509) 374-9855 1-888-201-9735</p>
<p>NORTHWEST JUSTICE PROJECT</p>		
<p>Wenatchee 300 Okanogan Avenue, Suite 3-A Wenatchee, WA 98801 (509) 664-5101 1-888-201-1021</p>	<p>Yakima 510 Larson Building 6 South Second Street Yakima, WA 98901 (509) 574-4234 1-888-201-1018</p>	<p>Bellingham 1814 Cornwall Bellingham, WA 98225 (360) 734-8680 1-888-562-8836</p>

2921EN

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice. This information is current as of the date of its printing, January 2012.

© 2012 Northwest Justice Project — 1-888-201-1014

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)

