

J.E. Wingfield DC, VA
 David B. Ginsburg DC, MD
 Kara K. Bennis DC, VA, CO
 Barry G. Stien DC, MD
 Zachary M. Lipp MD, DC

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WINGFIELD & GINSBURG, P.C.
Attorneys at Law

700 5th Street, N.W.
 Suite 300
 Washington, D.C. 20001
www.wgpilaw.com

202.789.8000, ext. 132
 1-800-584-4165

Paralegals:

Judy Villella

FAX: (877) 563-3536
zlipp@wgpilaw.com

Beware of wage theft in your workplace

Your attorneys at Wingfield & Ginsburg, P.C., write to warn you that workers in Maryland, Virginia, and the District of Columbia area are being cheated out of their wages at record rates. Most victims have no idea they have rights that are being violated. The following are typical violations that often give rise to claims for workers in Maryland, Virginia, and the District of Columbia:



Overtime Wages

Nonexempt employees must be paid for hours worked each week in excess of 40 at the overtime rate of 1 ½ times their regular rate of pay.

- Just because you are “salaried” or an employer tells you that you are exempt from overtime does not make it true. Many salaried employees, including certain “managers,” are still owed overtime wages. All nonexempt employees, whether they are paid by salary, day rate, piece rate, or hourly rate, are owed overtime wages at the required legal rate.
- Just because an employer labels you a “contractor” and does not pay overtime does not make it legal. Even receipt by a worker of an IRS Form 1099 or an agreement between the worker and the employer to contractor status does not make that worker a contractor. If hours over 40 per week have been worked, overtime wages may now be owed.

Minimum Wage

Tipped employees must receive wages from the employer at an hourly rate at least equal to the “tipped minimum wage” (\$2.13 per hour under federal and Virginia law; \$3.63 per hour under Maryland law; and \$2.77 per hour under District of Columbia law).

- Just because an employee receives tips that calculate to an amount higher than the minimum wage does not forgive an employer from paying the “tipped minimum wage.” If an employer fails to pay at the required rate, the employee is owed unpaid minimum wages from the employer.
- Restaurant owners and managers cannot take a share of the tips for themselves to pay kitchen workers or nonservice staff. Similarly, nontipped employees and management may not participate in a “tip pool.” If the employer takes tips belonging to a “tipped employee” or participates in the “tip pool,” the employer loses its right to pay the reduced “tipped minimum wage,” and the employee is owed unpaid minimum wages from the employer.

What to do

Do you think you may be a victim of wage theft? If you would like your attorneys at Wingfield & Ginsburg, P.C., to investigate whether you may be entitled to recover unpaid overtime wages, call **Zachary M. Lipp, Esq.**, at **202.789.8000, ext. 132**, or **David B. Ginsburg** at **202.789.8000, ext. 121**, for a free telephone consultation.

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