

Indiana Legal Services, Inc

www.indianalegalservices.org

General Information About wages

What is the minimum wage?

The federal minimum wage is \$5.15 per hour.

Does everyone get at least minimum wage?

Most employees are entitled to the federal minimum wage. There are certain exemptions to the minimum wage that apply to members of the employer's immediate family. Employers can sometimes also pay less than the minimum wage to:

- Workers with disabilities if their disability affects their ability to work. (This generally applies to workers in sheltered environments).
- Full-time students.
- Employees who earn tips.
- Student who are learning on the job.

What if I earn tips? Am I entitled to minimum wage?

Not necessarily. You can be paid at least \$2.13 per hour if that amount, added to your tips, brings you to the minimum wage level of \$5.15 per hour (as long as you keep all your tips and you usually get more than \$30 in tips per month). If this does not get you to the minimum wage level of \$5.15 per hour, your employer must make up the difference.

What is overtime and am I entitled to it?

Under the Fair Labor Standards Act, every employer must pay his or her employee time and a half of the regular rate of pay for hours worked over the 40 hours per workweek. There are exceptions to the overtime rules for the following types of employment:

- Member of employer's immediate family.
- Most agricultural workers.
- Forestry operations with eight or fewer employees.
- Sugar processing and cotton ginning or compressing.

How old do I have to be to work?

Generally, you must be at least 14 years old. There are limits to the hours that a child under the age of 16 can work.

Should I be paid the same amount as my co-worker?

The Equal Pay Act requires equal pay for equal work. Equal work means work that requires the same skill, effort, and responsibility, and is performed under similar working conditions. However, the employer can pay different people different amounts based on seniority, merit, production, or factors other than the person's race or gender.

Should I be paid for duties getting ready for or ending work?

You must be paid for time spent in beginning or ending activities if the activities take place during the "workday." For example, if you are required to report to work at a specified time, the workday begins when you report at that time, even if you don't actually start working until later.

You must be paid for beginning and ending activities where such activities are so important to your job that they really are part of your job.

Examples of when you should be paid include:

- Preparing or transporting equipment used on the job.
- Changing into and out of clothing required for the work.
- Setting up the workplace or distributing necessary materials so that the job can start.

Should I be paid for the time I am waiting to work or on call?

Generally, you should be paid for time you are waiting to work if you are required to be at the work site and at the employer's disposal, or if you cannot leave the premises and use the time for your own purposes.

Examples of time you should be paid include:

- Time during equipment breakdown.
- "On-call" time if you are on the employer's premises or being paid when off duty.
- Travel time from one job site to another during the course of the work day.
- Travel time from the place where you are required to do work-related activities, such as picking up tools, to the job site.
- Travel if it is a principal part of the employee's work (such as a bus driver, produce hauler, or necessary assistant) or if the employer requests it.
- Time for meals if the time is less than 30 minutes, or if you're not completely relieved from duty during the meal.
- Rest periods between 5 and 20 minutes.
- Meetings and Training Programs.
- Time spent waiting for or receiving medical attention.

Can my boss take deductions from my pay?

Under Indiana law, the employer cannot take wages from an employee's pay unless it is set forth in writing and signed by the employee. (Note: courts can sometimes order employers to take wages from an employee's pay if the employee owes a court judgment or back child support).

In addition, in certain situations, the Fair Labor Standards Act prohibits employers from deducting wages from the federal minimum wage.

Examples of items that can be deducted from the minimum wage:

- State and federal income taxes, FICA.
- Housing costs.
- Meals if voluntarily accepted.
- Transportation where it is for ordinary home to work (unless the transportation is an incident of and necessary to the employment or the transportation primarily benefits the employer).
- Wage advances or loans made by the employer to the employee as long as the employee actually received the advance or loan and was able to use the money however the employee chose.
- Payments made by the employer to a third party creditor of the employee if the employee voluntarily agreed to the payments, and the employer does not benefit from the payments.

Examples of items that cannot be deducted from the minimum wage:

- Costs of long distance travel to a special worksite beyond normal commuting distance.
- Cost of tools, protective gear, uniforms, or laundering of uniforms, if they are reasonably required for the job.
- Meals and sleeping facilities for an employee who is "on the road" as part of his/her employment.
- Payments for medical care and related costs if they result from a work-related illness or injury for which the employer may be responsible.
- Non-loan related debt to the employer such as damages to the employer's property.

Does your boss have to keep employment records?

The employer must maintain records for each worker, showing:

1. Personal identifying information.
2. Essential wage and hour information;
3. . Documentation showing any exemptions if any are claimed.
4. Documentation concerning the employment of minors.

Does your employer have to tell why you're being fired?

Sometimes. If you ask the employer to give you a reason, and, if your employer required written recommendations, or an application demonstrating your qualifications or experience for the job

before hiring you, your employer must give you a signed letter stating the reasons why you were fired.

How often must I be paid?

Indiana law provides that you must be paid at least twice a month, or every two weeks. If your employer is not paying you this often, you must ask the employer to pay you this often. If your employment ends, whether you quit or got fired, your employer must pay you your final wages at the next regularly scheduled pay period.

Last revised: 11-2003

LSC Code: 1290700

Printed: September 27, 2023

<http://www.indianalegalservices.org/node/329/general-information-about-wages>

©Indiana Legal Services, Inc