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## Wage Claims

### When does my employer have to pay me?

Your employer must set up regular pay periods and rates of pay. Hourly employees must be paid at least once every two weeks or twice a month. Salaried employees must be paid at least once a month. Wages must be paid in money or by a check payable in money.

### Can my employer take money from my wages without my permission?

No. Your employer may not withhold any wages, except for taxes or garnishments, unless you freely and voluntarily say so in writing.

### If I leave my job or if I am fired, when does my former employer have to pay me?

When employment stops, you must be paid all wages for work done. Your employer must pay your wages to you no later than the date of payment if your employment had not stopped.

### If I am not paid all of my earned wages on time, what can I do?

If your employer violates this law, you may complain to the Virginia Department of Labor and Industry. This office looks into wage claims, collects unpaid wages, and enforces the Payment of Wage law. Three offices serve Central Virginia:

Virginia Department of Labor and Industry  
Central Region  
North Run Business Park  
1570 East Parham Road  
Richmond, VA. 23228  
804-371-3104 (V) & 804-371-3166 (F)

[ Serves Charles City, Chesterfield,  
Dinwiddie, Fluvanna, Goochland,  
Hanover, Henrico, Louisa, New Kent,  
Powhatan & Prince George Counties,  
and Cities of Colonial Heights, Hopewell,  
Petersburg and Richmond ]

Virginia Department of Labor and Industry  
Valley Region  
201 Lee Highway - P.O. Box 77  
Verona, VA. 24482  
540-248-9280 (V) & 540-248-9284 (F)  
[ Serves Albemarle, Greene & Nelson  
Counties, and City of Charlottesville ]

Virginia Department of Labor and Industry  
Tidewater Region  
6363 Center Drive, Suite 101  
Norfolk, VA. 23502  
757-455-0891 (V) & 757-455-0899 (F)  
[ Serves Surry County ]

### **If I am not paid all of my earned wages on time, can I sue my employer?**

Yes. You can file a Warrant in Debt against your employer in the General District Court. You can file a lawsuit in the Small Claims Division, where attorneys are not allowed, for up to \$5,000. You can file a lawsuit in the regular division, where attorneys are allowed, for up to \$25,000. You may file in either division on your own, by yourself, without an attorney.

### **How do I file a Warrant in Debt?**

Go to the General District Court Clerk's office and fill out a "Warrant in Debt." You will need to state in a few words why the person or business you are suing owes you money. You also need to state the most money you could be owed. You can't get a judgment for any amount larger than what you sued for. You must file in the city or county where the person or business you want to sue is located or where your claim for money arose.

### **Can my employer reduce my pay?**

Yes. Your employer can reduce your pay as long as it is not below the minimum wage. Your employer must notify you before you are allowed or required to work at the reduced rate. You have the right to accept the lower rate or quit. However, if you quit your job without good cause, you may not be able to get unemployment compensation. A better choice might be to accept the lower pay and file for partial unemployment compensation.

### **What is the minimum wage?**

As of July 24, 2009, the minimum wage is \$7.25 per hour. Tips may be credited toward the minimum wage, except you must be paid at least \$2.13 per hour regardless of any tips you receive. If lodging and meals usually are furnished by your employer, the reasonable value of these items also can be credited toward the minimum wage.

### **What is the overtime wage?**

Generally, time-and-a-half must be paid for all hours over 40 hours in a week. Virginia law does not require added pay for night shift work.

### **If I am not paid minimum wage or overtime wage, what can I do?**

If your employer violates these laws, you may complain to office that enforces minimum wage and overtime wage laws:

U.S. Department of Labor  
ESA Wage & Hour Division  
400 North Eighth Street, Room 416  
Richmond, VA. 23219 (toll free – 1-866-487-9243)

*Authorized by Steve Dickinson, Esq., Executive Director, P.O. Box 12206, Richmond, VA 23241*