

SAMPLE WORK RECORDS CHART

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Date	Time In	Time Out	Pay Rate	Actual Pay	Tips

Immigrant Workers' Rights in New Jersey



**Asian American Legal Defense and Education
Fund**

New Jersey - Asian American Legal Project

1-888-406-1555

SAMPLE WORK RECORDS CHART

YOU HAVE RIGHTS AS A WORKER!

Every person has the following rights regardless of immigration status

1. To receive the NJ minimum wage of at least \$7.25 per hour.
2. To receive overtime pay (1.5 times your hourly wage) for each hour worked over 40 hours per week.
3. To receive the agreed upon wage for each hour you work.
4. To work free of discrimination based on race, religion, sexual orientation, national origin, gender, and age.

If you feel that you have been unfairly denied wages, including overtime pay, or have been discriminated against, please contact:

**Asian American Legal Defense and Education Fund (AALDEF)
1-888-406-1555**

EMPLOYER INFORMATION	
Company Name	
Company Address	
Company Telephone	
Names of Owners, Supervisors	
Employer's License Plate #	
Employer's Home Address	
Hourly Wage	
Type of Work	
Coworkers Names	
Start Work Date	

YOU HAVE A RIGHT TO OVERTIME PAY

How do I calculate how much overtime pay I am supposed to receive?

You must first calculate how much you are being paid an hour. For example, if you are being paid \$720/week and you work 60 hours every week, your hourly wage is \$12 an hour.

$$\begin{array}{r} \$720 \text{ Weekly Salary} \\ \div 60 \text{ } \div \text{ Number of Hours per Week} \\ \hline \$12 \text{ } = \text{ Hourly Wage} \end{array}$$

You must then determine what your overtime pay rate should be.

Your employer must pay you 1.5 times your hourly wage for every hour that you work over 40 hours per week. Therefore, you must receive \$18 for each hour over 40 hours per week that you work.

$$\begin{array}{r} \$12 \text{ Hourly Wage} \\ \times 1.5 \\ \hline \$18 \text{ } = \text{ Overtime Pay Rate} \end{array}$$

You must then determine how many hours of overtime you worked. In this case, you worked 20 overtime hours.

$$\begin{array}{r} 60 \text{ Number of Hours per Week} \\ - 40 \text{ } - 40 \text{ Regular Time Hours} \\ \hline 20 \text{ } = \text{ Overtime Hours} \end{array}$$

You then multiply your overtime pay rate by your overtime hours to determine how much you are supposed to be paid for your overtime hours.

$$\begin{array}{r} \$18 \text{ Overtime Pay Rate} \\ \times 20 \text{ } \times \text{ Overtime Hours} \\ \hline \$360 \text{ } = \text{ Total Overtime Pay Owed} \end{array}$$

You must be paid \$360 for your overtime hours when you work 60 hours per week.

TIPS / THINGS TO KEEP IN MIND

**It does not matter if you are an undocumented worker!
You have rights on the job.**

- Keep records of the dates and hours you work, and the contact information of your employer. You can use the included sample work records to do so.
- Encourage your co-workers to keep records to protect their rights. The more workers join together, the more pressure there is on the employer to obey the law.
- You have a right to keep your immigration status private. Do not answer any questions about your immigration status until you speak with an attorney. If asked for your documents, tell the person you will give it to him later.

Failure to pay wages in New Jersey is a crime. An employer who does not pay you may face heavy fines and could spend time in jail.

FREQUENTLY ASKED QUESTIONS

Q: If I am a tipped employee, is my employer required to pay the minimum wage rate?

A: Yes. Your total earnings (hourly wage plus tips) must equal at least the minimum wage of \$7.25 per hour. If the hourly rate plus tips does not equal at least \$7.25 per hour, your boss must make up the difference.

Q: How can I better protect myself if I work as a day laborer or temporary worker?

A: You should try to obtain a signed work agreement or write down as much information as possible about the employer and the job you performed.

Q: What if my employer didn't pay me enough or never paid me?

A: You can call AALDEF at 1-888-406-1555. All of our services are confidential and free of charge. Since 1974, we have successfully represented hundreds of workers who were unlawfully denied overtime and the minimum wage. We are here to help.

NJ'S MINIMUM WAGE IS \$7.25 PER HOUR.

I receive a daily salary from my boss; how do I know whether I am being paid the minimum wage?

You must calculate what you are being paid an hour. If you are paid a daily salary, you should divide the salary by the number of hours you work in a day.

For example, if you are paid \$120 a day, and you work 10 hours a day, then you are being paid \$12 an hour.

$$\begin{array}{r} \$120 \quad \text{Daily Salary} \\ \div 10 \quad \div \text{Number of Hours per Day} \\ \hline \$ 12 \quad = \text{Hourly Wage} \end{array}$$

This is more than the minimum wage of \$7.25 per hour.

What if I receive a weekly salary?

You must calculate what you are being paid an hour. If you are paid a weekly salary, you should divide that salary by the total number of hours you work in a week.

For example, if you are being paid \$400 a week, and you work 80 hours total in a week, you are only being paid \$5 per hour.

$$\begin{array}{r} \$400 \quad \text{Weekly Salary} \\ \div 80 \quad \div \text{Number of Hours per Week} \\ \hline \$ 5 \quad = \text{Hourly Wage} \end{array}$$

Your employer is paying you less than the minimum wage and is breaking the law. If you work more than 40 hours a week, your boss also owes you overtime pay