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**WYOMISSING-READING-BERKS COUNTY MINIMUM WAGES AND UNPAID
OVERTIME ATTORNEY**

Attorney Jana R. Barnett regularly represents clients with claims that they were not paid the appropriate wages or did not receive the amount of overtime pay to which they were entitled.

Under both federal and state law, the minimum wage is \$7.25/hour. The federal law is called the Fair Labor Standards Act (or FLSA). The state law is called the Pennsylvania Minimum Wage Act.

Although most people who are paid by the hour are entitled to be paid at least \$7.25/hour and to be paid overtime, there are exceptions. For example, employees who earn at least \$30.00 per month in tips must be paid a minimum of \$2.83/hour. People working on farms, those performing domestic service in an employer's private home, and newspaper delivery people are among those who are also exempt from both minimum wage and overtime laws.

Some employees can be paid by the week, month, or other time period, rather than by the hour. Both federal and state law exempt persons in certain "white collar" jobs from overtime. For example, Federal law exempts employees who are *bona fide* executives, administrators, professionals, computer employees, outside salespeople, and highly compensated employees performing office or non-manual work. State law exempts *bona fide* executives, administrators, professionals and outside salespeople. Whether persons are exempt depends on their job descriptions, not their titles. Pennsylvania's small business exemption, and 60-day training wages for younger workers, no longer are in effect.

Employees who are paid by the hour (that is, who are "nonexempt" from overtime requirements) must be paid at least one and one half times their regular rates of pay for the time worked over 40 hours in a given week. Although some employers choose to pay employees "time and a half" for working on holidays or weekends, the law does not require them to do so unless the employees coincidentally are working more than 40 hours in a given week on the holiday or weekend.

What "time worked" means is not always clear. For example, there are times when employees are considered to be working when they are traveling. When employees are required to eat at their desks or machines, they are working during a meal break.

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Neither the Fair Labor Standards Act/FLSA nor the Pennsylvania Minimum Wage Act requires that employers give their employees meal breaks. Many employers recognize that employees are better able to work after meal breaks, and that it is in their best interests to provide meal breaks, with or without pay.

In addition, neither the FLSA nor the Pennsylvania Minimum Wage Act sets a maximum amount of overtime an employer can expect an employee to work. Under federal law, employees can seek unpaid wages and overtime for at least the past two (2) years. (The statute of limitations is three years if the employer's violation was "wilful.") Under state law, the statute of limitations is three years, regardless whether the employer's violation was wilful.

To read statutes and related materials, please visit www.janarbarnettesq.com

If you would like to speak with Attorney Jana R. Barnett about a minimum wage or unpaid overtime claim, and learn how she can assist you, call her at 610-478-1860, or click here to send her an e-mail, and she will reply as quickly as possible.

Attorney Jana R. Barnett's offices are located at 525 Kenhorst Boulevard, Reading, PA 19611 and 1238 Cleveland Avenue, Wyomissing, PA 19610-2102. Attorney Jana R. Barnett practices family law, employment law, and employment discrimination law in Reading, Wyomissing and the surrounding cities and towns, as well as in Berks County, Bucks County, Chester County, Delaware County, Lancaster County, Lehigh County, Montgomery County, Northampton County, Philadelphia County and in the United States District Court for the Eastern District of Pennsylvania and the United States District Court for the Middle District of Pennsylvania.