

Wage theft in Minnesota: Worker information

Most Minnesota employers correctly pay their employees for the work they perform. However, there are some that do not. When an employer fails to pay all wages earned by employees, it is **wage theft**.

Common illegal wage-theft practices

- Paying less than the minimum wage
- Not paying time-and-a-half for overtime
- Not paying earned tips
- Deducting pay for short rest breaks
- Requiring or allowing work off the clock without pay
- Not paying a final check upon separation of employment
- Misclassifying employees as independent contractors
- Paycheck deductions for loss of or damage to property

How to get help

1. If you or someone you know is dealing with any of these issues, contact Labor Standards at the Minnesota Department of Labor and Industry at 651-284-5075 or dli.laborstandards@state.mn.us. Labor Standards is open from 7:30 a.m. to 6 p.m., Monday through Friday.
2. Stay up to date by subscribing to Labor Standards' emailed newsletter Wage and Hour Bulletin at www.dli.mn.gov/business/employment-practices/minnesota-wage-and-hour-bulletin and view our fact sheets and additional information at www.dli.mn.gov/wagetheft.
3. Invite Labor Standards to meet with an organization in your community. We meet with businesses, nonprofit organizations and others to give presentations about Minnesota labor standards law.

Wage-claim process

Labor Standards initiates wage claims to resolve cases of unpaid wages.

More information

Our website provides information about state laws regarding wage theft, plus child labor, minimum wage and overtime, nursing mother accommodations, parental leave, payroll recordkeeping requirements, tip regulations and more – www.dli.mn.gov/laborlaw.

Protect yourself against wage theft

1. **Track your hours.** Write down or use a smartphone app to track your shift start time, end time and clocked-out break times. Check your times against those on your paycheck. If there are differences, your employer may not be paying you for all hours worked.
2. **Review your paycheck deductions.** Regularly review your paycheck to make sure all deductions make sense. While many deductions are allowed under state law, others need to be refunded when you leave your job or should never be taken in the first place.

- 3. Know your hourly rate of pay.** While employers may give their employees a raise or a reduction in their hourly pay, employers may not alter the rate of pay on the final paycheck, or avoid or reduce a required overtime payment.
- 4. Keep copies of any employment agreements.** Most employers issue written job descriptions, employee handbooks and other paperwork about the terms of employment. These typically include the rate of pay, vacation and paid-time-off (PTO) policies, raise schedules or processes and information about paycheck deductions.
- 5. Understand rest and meal-break laws.** Minnesota requires employers to let employees use the restroom at least once every four hours and have time to eat a meal if working at least eight continuous hours. Break times of fewer than 20 minutes need to be paid; any break of 20 minutes or more needs to be uninterrupted to be unpaid.
- 6. Know overtime requirements.** Federal law requires most employees to be paid overtime after 40 hours in a workweek. Workers exempt from the federal law are required to be paid overtime after 48 hours in a workweek in Minnesota. Employers are not required to pay overtime after eight hours in a workday unless required under prevailing-wage law or a union contract.
- 7. Take action if you are not paid all wages due.** If you are unable to resolve any of these issues by talking to your employer, contact Labor Standards at the Minnesota Department of Labor and Industry at 651-284-5075 or dli.laborstandards@state.mn.us. We can help determine if you were paid correctly and help you get unpaid wages if laws have been broken. Other agencies and organizations that address wage and hour issues include the following.
 - U.S. Department of Labor, Wage and Hour Division: 612-370-3341
 - City of Minneapolis, Labor Standards Enforcement Department: 612-673-3012
 - City of Saint Paul, Human Rights and Equal Employment Opportunity – Labor Standards: 651-266-8900
 - A private attorney, legal services provider or legal self-help center; learn about self-help centers on the Minnesota Judicial Branch website: www.mncourts.gov/Help-Topics/Self-Help-Centers.aspx.
 - A local nonprofit or community organization that addresses employment issues.



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651-284-5075 • 800-342-5354 • 651-284-5099 (Spanish) • www.dli.mn.gov • dli.laborstandards@state.mn.us