

The Payment of Wages and Fringe Benefits Act Provides That Employees:

- Receive wages earned on a regular basis: weekly, bi-weekly, semi-monthly or monthly. Hand harvesters must be paid at least once a week unless otherwise specified in a written contract.
- Receive compensation for fringe benefits earned according to a written contract or written policy such as payment for: a holiday, time off for sickness or injury, time off for vacation or personal reasons, bonuses or authorized expenses incurred during employment.
- Receive wages earned on the regular scheduled payday for the period in which the employee quits or is discharged. Hand harvesters must be paid within one day of discharge or must be paid within three days of quitting.
- Receive wages without deductions, except deductions required by law, collective bargaining agreement or the written authorization of the employee.
- Be hired and remain employed without paying an employer a fee or other consideration. Exception: fees paid to employment agencies.
- Receive a retainable pay statement at the time of payment of wages indicating hours worked, gross wages paid, an itemization of deductions and the dates for which the wages are earned
- Receive wages in cash, check or money order, payroll debit card or authorize direct deposit into a bank or credit union.

The Payment of Wages and Fringe Benefits Act Provides That Employers:

- Maintain records for three years that indicate the employee's name, address, birth date, classification, rate of pay, total hours worked in each pay period, total wages paid and an itemization of fringe benefits.
- Supply the Wage and Hour Program pay records or other documents relevant to an investigation or proceeding.
- May deduct overpayments of wages or fringe benefits due to mathematical or typographical errors under special conditions. Contact the Wage and Hour Program for guidelines for deducting overpayments.
- May be subject to interest and civil penalties upon conclusion of an investigation of up to \$1000 each for failure to maintain or submit the required records and/or pay wages found due by the Wage and Hour Program, plus exemplary damages of twice the amount determined due.



Filing a Complaint

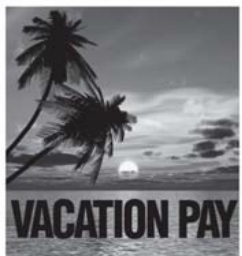
The Payment of Wages and Fringe Benefits Act covers most Michigan employers and employees. An employee who believes that his or her employer has violated this act may file a complaint with the Wage and Hour Program. A complaint alleging non-payment of wages or fringe benefits must be filed within 12 months of the alleged violation.

A complaint alleging discharge or wage reduction as a result of filing a wage or fringe benefit complaint or asserting a right provided by the Payment of Wages and Fringe Benefits Act must be filed within 30 days of the discharge or date wages were reduced.

The time required to complete an investigation depends upon the number of cases under investigation, the complexity of the claim, and cooperation of the employer and employee. Employers are required to provide records and other relevant information. Employees may be asked to assist in the resolution of their claims by providing personal copies of fringe benefit policies, employment contracts, check stubs, a personal record of hours worked, sales or customer identification if commissions are claimed and other relevant information. Employers and employees may also be asked to attend a meeting to clarify facts and negotiate a settlement of the complaint.

If a claim cannot be informally resolved, the Wage and Hour Program will issue a written determination that the employee or employer may appeal. A hearing before an administrative law judge will be scheduled. The employer and employee are expected to attend the administrative hearing to give testimony regarding the claim. The hearings officer will affirm, modify or reverse the determination. That decision can be appealed to circuit court.

Each year the Wage and Hour Program receives over 5,000 claims and collects more than \$2.5 million in wages and fringe benefits owed Michigan workers. The Wage and Hour Program does not guarantee payment of wages and fringe benefits earned. Collection depends on the employer's financial ability to pay, business closure, bankruptcy filing, or location of money and assets. There is no charge for filing a complaint.



Other Michigan Wage Laws

In addition to the Payment of Wages and Fringe Benefits Act, the Wage and Hour Program also administers:

Michigan Minimum Wage Law

PA 138 of 2014 establishes the minimum wage, overtime pay, record keeping standards, equal pay and permits sub-minimum wage payment for certain employees.

Prevailing Wage on State Projects

PA 166 of 1965 establishes wage and fringe benefit rates for construction workers on state funded projects.



More Information

This brochure is intended for general information only. It does not include all of the provisions of Act 390, Public Acts of 1978.

For information on the laws administered by the Wage and Hour Program contact:

Department of Licensing and Regulatory Affairs
Michigan Occupational Safety
and Health Administration

Wage and Hour Program

Stevens T. Mason Building
530 W. Allegan St.
Lansing, MI 48933
(517) 284-7800

Southeast Michigan

3026 W. Grand Blvd., Suite 9-450
Detroit, MI 48202

Mailing Address:

PO Box 30476
Lansing, MI 48909-7976

Toll Free: 1-855-4MI-WAGE (1-855-464-9243)

www.michigan.gov/wagehour

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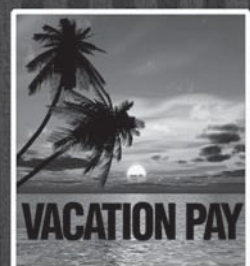
Cost: \$167.97; Unit Cost: \$0.168

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available, upon request, to individuals with disabilities. Call (517) 284-7800 to make your needs known to this agency.

www.michigan.gov/lara



An Overview of the Payment of Wages and Fringe



Wage and Hour Program
Michigan Occupational Safety
and Health Administration
Department of Licensing and Regulatory Affairs
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