



JOSEPHSON
DUNLAP LLP
LAWYERS FOR THE WORKERS[®]

Day Rate Worker Overtime Rights Case Study

Employment law attorneys get back **\$131,000 in unpaid overtime** for misclassified day rate workers.

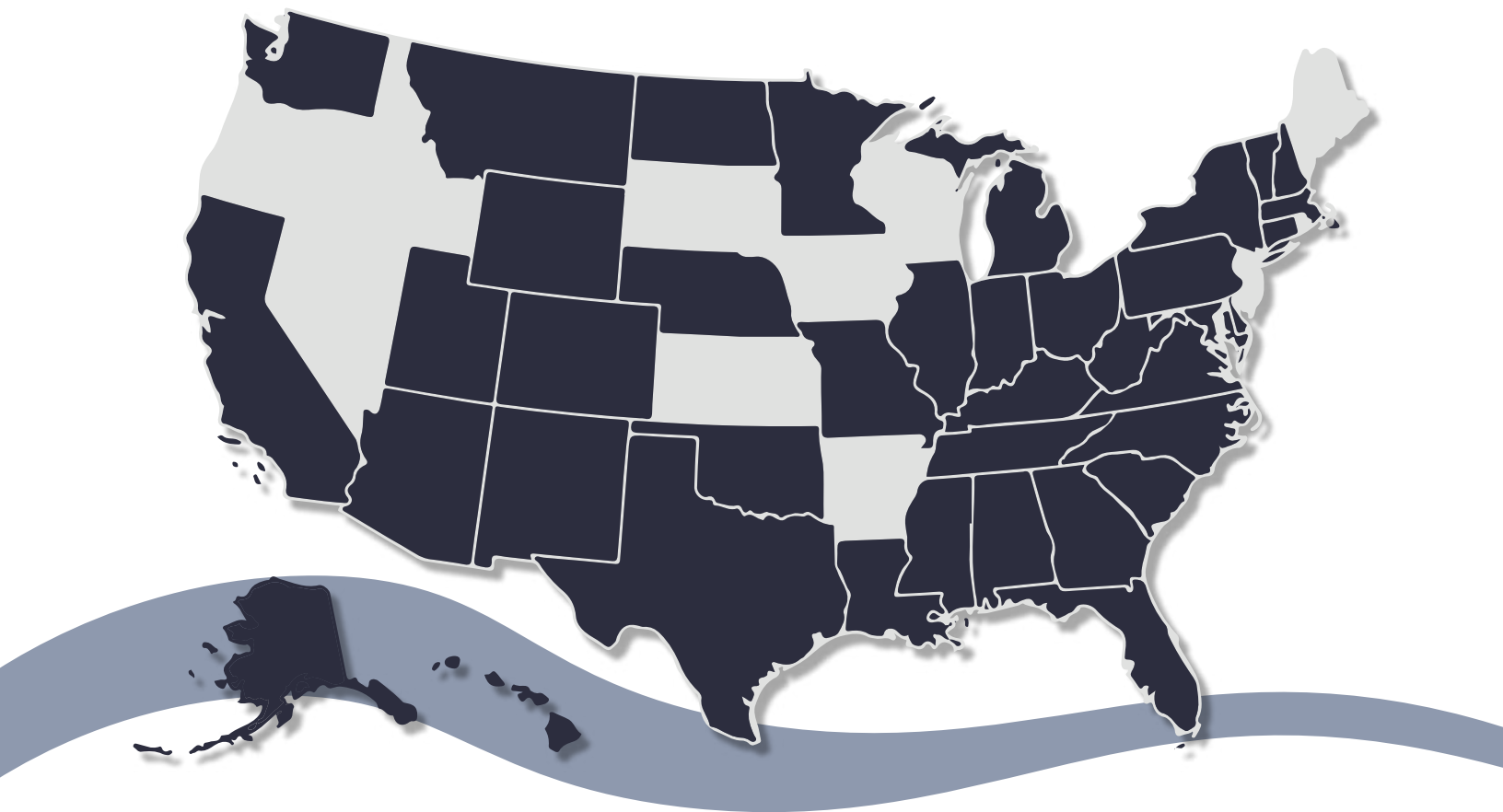
Overworked, Underpaid, and Owed Overtime

At Josephson Dunlap,

we are employment lawyers who stand by our clients from beginning to end. We have successfully represented over 100,000 workers who have been misclassified and underpaid. When we start your case, we stand by your side and handle it all, and won't stop fighting until justice is served.

If you believe you have been misclassified or are owed overtime, we can help. We have represented clients in many different industries such as: oil and gas, construction, staffing/recruiters, financial services, and many more. Misclassification and unpaid overtime is a real issue that happens often. We make sure that you are paid the wages you are owed.

Our Experience



1800+ Cases Filed **Millions** Recovered **100k+** Workers Helped



About Day Rate

Day rate, also known as daily salary or job rate, is another form of compensation. When you are a day rate worker, you are paid a set amount for a set amount of hours. For example, a day rate worker might be paid \$100 to work from 8am-5pm Monday through Friday. That means if the worker clocks in early or clocks out late, they are only paid \$100 for each day. Although the daily rate must be equal to minimum wage requirements, as a day worker you are often not paid overtime, or compensated in any way, for your extra hours and time. Instead of being paid by the hour, you are paid by the day.

Common Job Titles Affected

Examples of common job titles that are Day Rate workers:

- Daycare workers
- Adult Daycare workers
- Supervisors
- Brokerage Agent
- Nanny / Daycare
- Coordinator
- Recruiter

Common Industries Affected

Day Rate is common in the following industries:

- Retail
- Oil & Gas
- Offshore Services
- Engineering
- Staffing
- Homecare / Daycare
- Architecture
- Construction

Common Wage Violations

As a day rate worker, if you work over 40 hours in a seven day period, you should be paid overtime. Sometimes an employee will be labeled a day rate worker, but complete the same job tasks as an hourly worker. This happens so that the employer can avoid paying overtime. Another situation that can happen is employers have workers agree to just a daily salary, or a job rate, to eliminate having to pay overtime. Overtime is a legal requirement, and doing upfront agreements, or handshakes, does not change that. No matter what you've been told, you deserve overtime pay.

Average Winnings for Employees*

\$3,771+

*Average winnings pertain to this case only.
To see how much you may be owed, use our calculator here.



Case Information



Company's Industry

Full Service Engineering, architecture, planning, environmental, program and construction management and economic development firm.



Day Rate

Workers were incorrectly classified as day rate workers and were not paid the overtime they were owed.



Total Represented

35 workers were involved in the case.

Your Backwages Add Up

The attorneys at Josephson Dunlap are experts at representing misclassification cases. In 2021 we successfully sued for straight time for overtime payment of 35 employees at a full-service engineering, architecture, planning, environmental, program and construction management and economic development firm. Each employee stated that they were either paid a day rate, or had their pay calculated incorrectly as hourly employees so that the employer could eliminate overtime pay and/or decrease the amount of overtime paid owed to the employees. Josephson Dunlap was able to secure a net settlement of \$131,999.97, allocating an average of over \$3,771.43 to each employee.

\$131k

Net Settlement Amount

35

Workers involved

\$500- 7k+

Pay out range per person*

*Payout dependent on length of employment .



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Meet the Partners

Michael and Andrew both have the same objective, which is fighting for the back wages of workers who have been wrongfully underpaid, or not paid at all for their overtime hours. They have represented workers in many different industries. Their goal is always the same, to fight on behalf of the workers against the employer. This allows them to completely align with their client in pursuing the goal of payment for unpaid wages. Michael and Andrew have secured millions in settlements for their clients. Together, with their team, the lawyers at Josephson Dunlap will fight for you to reclaim the back wages that you are owed.



Michael Josephson
Managing Partner



Andrew Dunlap
Partner



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