



For Immediate Release

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BOLI investigation finds minimum wage violation in Ace of Spades claim

Poker dealer should be paid and treated as an employee, not volunteer, investigation finds

Portland, OR—The Bureau of Labor and Industries (BOLI) has issued a determination against a Portland poker club, Ace of Spades, for unlawful minimum wage and record keeping violations, the agency announced today.

At issue is whether workers at Portland's Ace of Spades are volunteers or in fact, employees entitled to Oregon's minimum wage.

Investigators with BOLI's Wage and Hour Division determined that a claimant, Bonne Marsh, performed work, labor and services that entitled her to compensation from the Ace of Spades after Ms. Marsh filed a complaint last June. Investigators are still looking into a second Wage and Hour claim against Ace of Spades filed by another worker in December.

Under Oregon law, to qualify as volunteer work, services must be performed for a religious, charitable, educational, public service, nonprofit or public employer. Private, for-profit employers must compensate employees for their labor.

An Order of Determination from the agency finds that the club, Ace of Spades, must pay the claimant \$30,447.33 in back wages and penalties. The club has requested an administrative hearing on the matter which will likely be held this summer.

Agency prosecutors have also recommended assessing civil penalties of \$2,000 for record keeping violations. The agency may request a consolidated hearing on the two matters.

During the period in which Ms. Marsh claimed unpaid wages, she worked a total of 2,859 hours, 92 of which were overtime hours over 40 hours worked in a work week. The agency's monetary finding determined that the claimant is owed \$26,079.33 in unpaid wages and overtime. Investigators also recommended an additional \$2,184 in civil penalties and \$2,184 in penalty wages.

Employers seeking guidance on Oregon's minimum wage, employee status and record keeping requirements can contact the agency's Technical Assistance for Employers Program at (971) 673-0824.

Copies of the wage claim and Order of Determination are available upon request.

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