

## Texas Workforce Commission – Labor Law Section

### How To File A Wage Claim

The Texas Workforce Commission (TWC or Commission) administers the Texas Payday Law (Texas Labor Code, Chapter 61), which assists employees in the recovery of their **unpaid wages**. The following information is provided by the TWC's Labor Law Section as a guide for those who wish to file a wage claim under this statute.

For information about the TX Payday Law, please visit our website ([www.twc.state.tx.us/customers/jsemp/employee-rights-laws.html](http://www.twc.state.tx.us/customers/jsemp/employee-rights-laws.html).) and review the Summary of the Texas Payday Law and the Form for Filing a Wage Claim. For a list of Workforce Solutions offices that accept wage claims, please follow our "Find Locations" links to locate a full service Workforce Solutions office in your area.

#### **Please Keep In Mind That:**

- You must fill out the entire wage claim form completely, accurately, and legibly.
- Your wage claim must provide enough information to identify the employer and to allow the Commission to attempt contact with the employer.
- After the wage claim is completely filled out, it must be signed and sworn to before either a TWC representative or a notary public.
- If you have any information to support your wage claim, such as pay records or check stubs, you should submit copies of them with your wage claim. Please do not send any original checks.
- You can mail or fax your completed wage claim form and attachments to the Labor Law Section at the address shown below or fax number shown below.

#### **Wage Claim Process**

- When the Labor Law Section receives a wage claim, an Acknowledgement Letter is mailed to the claimant. The Acknowledgement Letter provides a brief overview of the wage claim process.
- The Labor Law Section also notifies the employer by mail that a wage claim was filed and requests a response from the employer. The employer will receive an Employer Response form, as well as a photocopy of the claim and any attachments submitted. Once the wage claim is under investigation, a Labor Law investigator **may** contact either party if additional information is needed.
- Based on the investigation, the Commission will issue a determination order outlining the decision in the case. Should a party disagree with the decision, both the claimant and the employer will have appeal rights to the order.
- To appeal the determination order, the party must send a written request within 21 days from the date of the order. If you file your appeal by fax, then the appeal date shall be the date and time the appeal is received by the Commission. However, if there is an appeal, both parties will be notified by the TWC Special Hearings Department in writing of the hearing and new timeline. If neither party requests an appeal, the order will become final. If the decision is in the claimant's favor, we will then pursue collection of any unpaid amounts from the employer.

**Wage amounts awarded in wage claim cases are not drawn from state funds. Monies that are determined due to a claimant must first be collected from the employer before they are disbursed to the claimant.**

If the money cannot be collected, a lien may be filed as a permanent record of the debt owed to the claimant by the employer. Any money collected on a claimant's behalf will be forwarded to the most current address on file with the Commission. It is the claimant's responsibility to notify the Commission in writing if his or her address or phone number changes at any time.

#### **Mail Your Wage Claim to:**

Texas Workforce Commission, Labor Law Section, 101 East 15<sup>th</sup> Street, Room 124T, Austin, TX 78778.

OR

**Fax Your Wage Claim to:** (512) 475-3025

If you still have questions, please call our toll-free number, **1-800-832-9243** (within Texas only), or the direct number **1 (512) 475-2670**. Our **TDD number is 1-800-735-2989** (for hearing impaired). (1011)