

Information About Filing a Claim

Read this carefully to learn if you should file a claim with Labor Standards. Complete the LS 223 to claim unpaid wages, illegal deductions, wage supplements, minimum wage, overtime, no meal period, etc.

• **If you:**

- are a Farm Worker, please use form LS 710 to file a complaint
- wish to file a Salary History complaint, please use form LS 608.1
- wish to file a Pay Equity complaint, please use form LS 608.2

The LS 223 is available in languages other than English. Any person working in New York State may send a complaint to the New York State Department of Labor. If the information provided here doesn't answer your question, call (888) 469-7365.

Return your completed form to the address above.

Labor Standards accepts many types of claims and complaints related to wages owed and other employment issues. For example, you may:

• **Claim unpaid wages if:**

- Your employer did not pay you for all hours worked (including on the job training)
- Your paycheck bounced due to "not sufficient funds" (NSF)
- You did not receive all your tips
- Your rate of pay was lowered without prior notice

• **Claim illegal deductions** if your employer:

- Deducted wages from your pay
- Charged you for damages
- Overcharged you for your portion of the Paid Family Leave contribution

• **Claim unpaid wage supplements** if your employer promised you (verbally or in writing), but did not provide **earned:**

- Vacation pay
- Holiday pay
- Bonuses

If the employer never promised to pay wage supplements, they are not required by law to pay them.

• **Claim unpaid wage supplements** if your employer owes you (according to State Law), but did not provide **earned:**

- Paid sick leave
- Wage Parity supplemental benefits
- Paid days of rest for domestic workers

• **Claim minimum wage/overtime pay** if your employer:

- Paid you less than the current minimum wage, the fast food minimum wage, or the tipped worker minimum wage
- Did not pay an overtime rate for hours worked over 40 in one week (Most employees must be paid time and ½ their rate of pay for more than 40 hours worked, but there are some exceptions.)

• **Claim minimum wage extras** if:

- Your employer owes you extra pay for cleaning your own uniform
- You are owed call-in pay

- You are owed additional pay because your workday spans more than 10 hours from start to finish
- **Make a non-wage complaint** if your employer failed to provide the required meal period, day of rest, pay stub, notice of pay, timely payment of wages, or took a negative action against you for making a complaint related to the Labor Law
- **Send information to support your claim** (if available), such as copies of a benefit policy, pay stubs, cancelled checks, checks not honored, time records, etc. (**Do not** send original documents.)

You must complete Parts 1 through 3 and 9 through 11. Also complete:

- Unpaid Wages and/or Illegal Deductions claim, Part 4
- Wage Supplement claim, Part 5
- Minimum Wage or Overtime claim, Part 6
- Non-wage complaint, Part 8

After you file a claim, expect a letter from us within 25-30 business days listing your case number and other important information. Keep the letter that has your case number on it. Tell us right away if the employer pays you what you are owed, or if you change your address or phone number.

Labor Standards cannot accept every claim. Labor Standards will not accept claims if you:

- Worked outside of New York State
- Have filed an action to recover your wages in small claims or civil court
- Are claiming commissions from sales
- Were in business for yourself, or were truly an independent contractor
- Are owed wages from a government agency, town, county, or city
- Are owed wages from more than three years since the date you earned the wages or supplements due to you
- Are making a claim for wages or benefits that are subject to a Union's grievance and arbitration procedure
- Have an employer benefit policy that excludes you from collecting accrued benefits for a specific reason (e.g., quit without notice)
- Are owed a wage supplement, but 30 days have not passed since it became due
- Worked as an executive, administrative, or professional employee and earned over \$900 per week
- Performed public work (use the PW4 to make a complaint)

Labor Standards does not investigate claims of discrimination, failure to provide family leave benefits, work-related safety concerns, or disability claims. Please call (888) 469-7365 for further information on other state agencies that may be able to assist you.