proceeding. If you choose this option, you must notify the Division of Wage and Hour Compliance in writing (mailing address is on the back of this brochure) and we will schedule you for a hearing.

What is a Wage Collection proceeding?

The Wage Collection section conducts formal proceedings to resolve disputes between employers and employees over the payment of wages up to $30,000. Employers and employees are sworn in and required to provide testimony and present evidence to prove their claim. Both parties may hire attorneys to represent them during the proceeding.

If I was unfairly terminated, can Wage and Hour help me?

The Division of Wage and Hour Compliance has jurisdiction in termination cases *only* when the termination results from a wage complaint. If you believe your employment was terminated because you complained about your wages, be sure to include this information on your claim form.

If your employment was terminated for any other reason, staff in the Division of Wage and Hour Compliance cannot assist you. New Jersey is an "employment-at-will" state, meaning that either an employer or employee may end employment at any time, without reason or notice.

If you believe your employment was terminated for reasons that constitute discrimination, call the Division on Civil Rights at (609) 292-4605.

Where can I get more information?

For general information about the Division of Wage and Hour Compliance, call (609) 292-2305 or go to the Department of Labor and Workforce Development's Web site at *www.nj.gov/labor* (point to Program Areas and click on Labor Standards).

Department of Labor and Workforce Development
Division of Wage and Hour Compliance
PO Box 389
Trenton, NJ 08625-0389

Wage & Hour Information
Phone (609) 292-2305
Fax (609) 695-1174

www.nj.gov/labor

New Jersey Department of Labor and Workforce Development is an equal opportunity employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities.

If you need this document in braille or large print, call (609) 292-2305. TTY users can contact this department through New Jersey Relay: 7-1-1.

MW-394 (9/06)

How to File a Wage Claim

Division of Wage and Hour Compliance

NEW JERSEY DEPARTMENT OF LWD LABOR AND WORKFORCE DEVELOPMENT nj.gov/labor

Jon S. Corzine
Governor

David J. Socolow
Commissioner

How do I file a wage claim?

The Division of Wage and Hour Compliance investigates employee complaints about underpaid or unpaid wages, including regular and overtime wages.

If you believe that your employer has not properly paid you, you must start the claim process by completing an Employee Wage Claim (form MW-31A). To get this form, call (609) 292-2305 or download it from *www.nj.gov/labor/lsse/lswhform.html*.

Mail or fax your completed form to the Division of Wage and Hour Compliance (mailing address and fax number are on the back of this brochure).

May I file an anonymous claim?

Yes, but if you file anonymously, you will not receive any information about your claim unless a resolution is reached with your employer and wages due are sent as part of the resolution.

To file an anonymous claim, write "ANONYMOUS" in the name section of the claim form, and leave the address blank.

NOTE: If you choose not to be anonymous, your employer has the right, under the Open Public Records Act (OPRA), to request all information on this claim.

What can I do to speed up the process?

- Be sure to answer all questions on the claim form. Incomplete forms will be returned to you for completion.
- Attach COPIES of any documentation that supports your claim. Please do NOT send originals.
- Only individuals may file a wage claim. A group of employees may not jointly file a claim. Each individual must complete a separate form.
- If a case representing your claim has already been filed in a court of law, staff in the Division of Wage and Hour Compliance cannot process your claim.
- If you are a bona fide independent contractor, you must bring your claim to the small claims court in the county where the employer resides or conducts business.
- If you are a state, county, municipal, or board of education employee, the Division of Wage and Hour Compliance does not have jurisdiction. You must call the U.S. Department of Labor at (609) 989-2247 or (609) 989-2248.

What happens after I file a claim?

Within 10 days of receiving your claim, we will mail you an acknowledgement letter listing your claim number. (Please be ready to provide your claim number whenever you contact Wage and Hour about your claim.)

We will review your claim to verify that the Division of Wage and Hour Compliance has jurisdiction. If your claim does not fall within our jurisdiction, we will return your claim to you, with an explanation.

Depending on the nature of the complaint, your claim will be either assigned to a field investigator, sent to Wage Collection (read further for explanation), or handled by mail. If your claim is assigned to a field investigator, the investigator may contact you for more information.

What is the status of my claim?

Depending upon the nature and complexity of your claim, we may be able to resolve it in as few as 30 days, or it may take several months. It is not possible to determine in advance how long it will take to complete an investigation.

If you want to find out the status of your claim, call (609) 292-2305 (and have your claim number available). Please allow at least 30 days after filing your claim before calling about the status of your claim.

Will I be notified of the results of the investigation?

After we complete the investigation, you will be notified of the results. If the decision is favorable to you and your employer owes you money, we will notify your employer. The employer may issue the payment directly to you or send payment to us, which we will forward to you.

What happens if the results are not in my favor?

If the decision is unfavorable to you, we will notify you by mail, and you will have the option of pursuing your claim through a Wage Collection