

Thinking of Filing a Wage Claim? Steps in the Process

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Step 1:

Filing a claim requires the completion of a Claim for Wages form. The form can be obtained by calling 1 (800) 562-4692 or it can be downloaded at www.iowaworkforce.org/labor/wage.htm.

Step 2:

Care should be taken to complete the form accurately and legibly. Typed claims are appreciated but not required. Each question specific to your claim should be answered. Not doing this can cause the claim to be returned for clarification. If the form does not allow you enough room to answer a question completely, add an additional sheet, indicate the number of the question and continue with your answer.

SIGN AND DATE THE FORM. Unsigned forms will be returned.

Step 3:

When the claim is received at the Division of Labor it will be reviewed for errors and assigned a six digit docket number. The first two numbers designate the year the claim was received and the final four represent the total number of claims filed to date at the time of docketing.

Step 4:

After the claim is docketed, the information contained on the claim is entered into the wage claim data base and a file is created for the claim. The file will be used to collect all information submitted about the claim from all involved parties. Should your claim go to court, much of this information may be entered into evidence.

Step 5:

After the file is created a letter of notification is sent to the employer indicating your name, the reason for your claim and the amount being claimed. A copy of the letter is also sent to you.

The employer is also sent an Employer's Wage Claim Response Form to complete and return within 14 days. The form contains information specific to the business, your employment and the employer's reasons for not paying the claimed amount.

Step 6:

If you were an hourly employee and your claim is for unpaid hours, a time sheet will be sent to you. This should be used to record all unpaid hours both by day and the specific hours worked that day. If more than 10 days are involved, make a copy of the sheet before starting. The form must be returned within 14 days of the date of the letter requesting the time sheet information. *Failing to do so will cause your file to be closed.*

Step 7:

When the Employer's Wage Claim Response Form is returned, a copy will be made and sent to you. You will be expected to provide a written reply to this information within 14 days. *Failing to do so will cause your file to be closed.*

Care should be taken to provide as much information about your claim as possible. As the claimant the burden of proof rests with you. If it is simply your word versus the employer's, the investigation will be terminated by the Labor Division. You can still pursue your claim on your own behalf.

Step 8:

If the employer does not respond to our first letter, a second letter is sent 7-10 days following the initially requested response date. The employer is again informed of the claim and asked to reply within 10 days. You will not receive a copy of this letter.

Step 9:

If the employer never replies to our requests for information, you will be sent a letter requesting that you forward all information you have that supports your allegation. You are asked to do this within 14 days. *Failing to do so will cause your file to be closed.*

The fact that the employer does not respond does not guarantee a positive resolution of your claim. Proof must still be provided to substantiate your position.

Step 10:

After all pertinent information has been collected, hopefully from both parties, the evidence is viewed to determine the enforceability of the claim. If the claim is thought to be enforceable, the Division of Labor will notify the employer regarding payment and, if necessary, initiate court action to obtain a judgment against the employer. Gaining a judgment does not guarantee payment of your claim. The wages must still be collected. Often, this is not possible.

If your evidence does not support your claim, you will be sent a letter of closure outlining the reasons for the action taken.

Step 11:

PATIENCE – The wage claim process is not speedy and can take several months to reach resolution. Copies of all information received from the employer will be sent to you for your comment and you will be notified of any change regarding your claim. You can certainly call for an update about your claim at any time but keep in mind that if you haven't heard from us, things haven't changed since you last heard from us.