If you filed your claim online, you may check the status of your claim by going to *wagehour.nj.gov* (have your confirmation number available). If you filed a paper claim, call (609) 292-2305 (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 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 proceeding.

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 when you file your claim.

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 New Jersey Division of Wage and Hour Compliance, go to *nj.gov/labor* and click on *Wage & Hour.* For New Jersey Wage & Hour Online Services, go to *wagehour.nj.gov.*

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

Phone: 609-292-2305
Fax: 609-694-1174

nj.gov/labor

The 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.

MW-394 (11/18)

How to File a Wage Claim

New Jersey Division of Wage & Hour Compliance

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

How do I file a wage claim?

The New Jersey Division of Wage and Hour Compliance investigates employee complaints about 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 filing a wage claim online or by mail. Go to *nj.gov/labor*, click on *Wage & Hour*, and then click on *File a Wage Claim*.

If you choose to file online, the questions will guide you. If you choose to file a paper claim, 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. Neither you nor anyone else will be able to check on the status of an anonymous claim.

You must file an anonymous claim by mail or fax. 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 as accurately as possible.
- Submit any documentation that supports your claim. If you file online, you can upload documents. If you file by mail, attach COPIES. Please do NOT send orginals.
- Only individuals may file a wage claim. A group of employees may not jointly file a claim. Each individual must file a separate claim.
- 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 609-538-8310.

Please Note: The Division of Wage and Hour Compliance does not investigate or inquire into the legal status of any worker. We apply New Jersey's labor laws without regard to a worker's legal status. We do not share information with "Immigration."

Notificación: La Divisíon de Asuntos de Salario no investiga y no hace preguntas acerca del estado legal de ningún trabajador. Nosotros aplicamos las leyes laborales de New Jersey sin importar el estado legal del trabajador. La División no comparte información con "Inmigración".

What happens after I file a claim?

Within 10 days of receiving your claim, we will send you an acknowledgement notice 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 send you a notice with an explanation.

Depending on the nature of the complaint, your claim will be assigned to a field investigator, handled by mail, or scheduled for a Wage Collection proceeding.

- If your claim is assigned to a field investigator, the investigator may contact you for more information.
- If the claim involves only you (for example, you did not receive your last paycheck), your claim will be handled by mail.
- If your claim involves any kind of benefit that arises from an employment contract (for example, vacation, holiday, expense reimbursement, commission, severance, or bonus pay), it will be scheduled for a Wage Collection proceeding.

NOTE: Even if we accept your claim, it does not guarantee collection.

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.