



WS 18-02
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Basic Services
Expires: Continuing

To: All Contractors

From: Mike Temple
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Subject: Texas Payday Wage Claim Process

Purpose

Transmit the current process for assisting individuals who wish to file or withdraw a wage claim

Background

The Texas Payday Law was established to protect employees who have not been paid earned wages and provide employers and employees with a method for resolving wage disputes without the necessity of court action. The state recently updated their guidance for filing a wage claim.

Guidance

Staff members who assist claimants wishing to file a wage claim should advise them to take the following actions:

1. Submit a Payday Wage Claim online or by completing a paper form. Claimants should fill out the Payday Wage Claim form completely, accurately, and legibly whether using the online or paper form.
2. Submit copies of any payroll checks or pay stubs and any other information to support the claim. If the wage claim has insufficient information, the claim may be returned or dismissed.
3. Notify the Labor Law department if the claimant changes his or her address or phone number. TWC needs the claimant's current contact information when sending a payment or requesting additional information.
4. For additional guidance with filing claims, view the tutorials on the [Payday Law web page](#): How to Claim Unpaid Wages

5. Questions can be directed to the Labor Law department at 800-832-9243

Action

1. Make sure staff read and follow the steps outlined in the Texas Payday Wage Claim Desk Aid.
2. Make sure to replace all paper copies of the Texas Payday Wage Claim form with the updated version.

Questions

Staff should ask questions of their supervisors first. Direct questions for Board staff through the electronic [Issuance Q&A](#).

Attachments

- Texas Payday Wage Claim Process Desk Aid

Attachment 1

Texas Payday Wage Claim Process Desk Aid

This desk aid provides guidance to staff members who assist the public in filing a Texas Payday Wage Claim. For information about the Texas Payday Law, go to Texas Workforce Commission's (TWC) [Payday Law web page](#). For questions, call the Labor Law department at (800) 832-9243.

Filing a Wage Claim

Staff members who assist claimants wishing to file a wage claim should advise them to take the following actions:

1. Submit a Payday Wage Claim online or by completing a paper form. Claimants should fill out the online or paper Payday Wage Claim form completely, accurately, and legibly.
2. Submit copies of any payroll checks or pay stubs and any other information to support the claim. If the wage claim has insufficient information, the claim may be returned or dismissed.
3. Notify the Labor Law department if the claimant changes his or her address or phone number. TWC needs the claimant's current contact information when sending a payment or requesting additional information.
4. View the tutorials on the Payday Law web page, How to Claim Unpaid Wages, for additional guidance for filing claims.
5. Call the Labor Law department at 800-832-9243 with any questions.

Claimants should do the following:

- **File online:** Go to www.texasworkforce.org and select "Claim Unpaid Wages" under the "Job Seekers & Employees" tab. From the Employee Rights & Laws page, select the "Wage Claim" link to go to the "Logon" page. Claimants log in by entering their User ID (UID) and password. If the claimant does not yet have a UID for the Wage Claim application, he or she can create one by using the "Sign Up for a User ID" process. From the "Home" page, claimants select "Start New Wage Claim," view any wage claims that are already in progress, or view a history of wage claims.

Note: Only those claims filed using the online wage claim system will appear on the "Home" page.

- **Send supporting documents:** Because the online form does not allow attachments, claimants should immediately mail or fax paychecks or pay stubs or other documents, printing the fax

cover letter created by the online application after the claimant submits the claim. The system creates a cover letter showing the basic wage claim information and includes a unique filing confirmation identifier. Claimants should write their full name on each document submitted. Staff should use standard procedures for the protection of personally identifiable information.

- **File by paper:** Use the most recent Payday Wage Claim form (LL-1), located on the Payday Law web page. Mail or fax the completed wage claim form, with copies of any paychecks or pay stubs or other documents, using the contact information below.

Labor Law Department Contact Information

Fax: (512) 475-3025

Mail: Texas Workforce Commission
Labor Law Department OR
101 East 15th Street, Room 514
Austin, Texas 78778

Wage Claim Process

Staff members who assist claimants with a wage claim should use the following additional information.

- After the Labor Law department receives a wage claim, the claimant is notified by mail that the document was received and is given an estimate of the time frame by which TWC will issue a Preliminary Wage Determination Order (PWDO).
- Simultaneously, the employer is notified that a wage claim was filed and a response is requested. The employer will receive an Employer Response form with a photocopy of the claim and any attachments submitted. Once Labor Law begins the investigation, an investigator may contact either party if additional information is needed.
- Based on the investigation, TWC will issue a PWDO. Both the claimant and the employer will have appeal rights to the PWDO.
- To appeal the PWDO, the party may submit an appeal by completing the online appeal form at www.texasworkforce.org/paydayappeal. Parties may also submit an appeal by mail, fax, or in person to any TWC Workforce Solutions Office within 21 calendar days from the date the PWDO is issued. TWC will use the postmark date, or the date the fax or online form is received, to determine whether the appeal has been submitted on time.
- If neither party requests an appeal, and if the amount ordered due is not submitted by the employer within 30 days, it will be referred to the Labor Law Collections unit for collection action.

It is important to note that wage amounts awarded in wage claim cases are not drawn from state funds. Any moneys that are determined due to a claimant must first be collected from the employer before they are paid out.

If the money cannot be collected, then 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 TWC has on file. It is the claimant's responsibility to notify TWC in writing if his or her address or phone number changes at any time.

Withdrawal of a Wage Claim

Some claimants wish to withdraw their wage claim after submitting it. Staff assisting claimants who wish to withdraw a wage claim should distribute the most recent Withdrawal of Wage Claim form (LL-119), located on the Payday Law web page: Withdrawal of Wage Claim or Staff should instruct claimants of the following:

- Withdrawing a wage claim is final. Claimants may not cancel the withdrawal once it is submitted.
- **Section 1** of the Withdrawal form must be completed by all claimants.
- **Section 2** must be completed only if collection actions have begun. Claimants may call (800) 832-9243 to find out whether TWC has started collection actions. This section must be signed and sworn to before a Workforce Solutions Office staff member or a notary public.