

TEXAS PAYDAY WAGE CLAIM PROCESS

Job Aid

Use this desk aid to help customers file claims for wages when they ask you for assistance.

The Texas Workforce Commission enforces the Texas Payday Law to protect employees who have not been paid earned wages and offer employers and employees a method for resolving wage disputes without court action. The Texas Workforce Commission's (TWC) Labor Law Web page at www.twc.state.tx.us/ui/lablaw/lablaw.html includes helpful information on the Texas Payday Law. If, after searching the Web site, you have any questions, call 1-800-832-9243 (within Texas only), or contact the main switchboard at (512) 475-2670.

Filing a Wage Claim

Provide the following information to customers who want to file a wage claim:

- The current payday wage claim form may be obtained on TWC's Labor Law Web page at www.twc.state.tx.us/ui/lablaw/lablaw.html.
- The entire wage claim form must be filled out completely, accurately, and legibly.
- After completion, the wage claim form must be signed by the wage claimant and sworn to before a Workforce Solutions staff member or designee, or a notary public.
- Copies of any payroll check or stub—or any information to support the claim—should be submitted with the wage claim form.

- Mail completed wage claim form and attachments to:

Texas Workforce Commission
Labor Law Section
101 East 15th Street, Room 124T
Austin, Texas 78778

1-800-832-9243

1-512-475-3025 (fax)

Note: Faxed or e-mailed wage claim submissions are not accepted; however, a fax is acceptable to transmit supporting documentation and address change requests.

Important Reminders for Staff

- Always distribute the most recent payday wage claim form (located on the Labor Law Web site).
- Always be aware of current wage claim process procedures.
- Always instruct individuals to direct any questions to the Labor Law Section at 1-800-832-9243 (*within Texas only*).
- Do not pre-sign blank wage claim forms.
- Do not give advice to individuals about the Texas Payday Law.
- Do not accept copies of a signed wage claim form (i.e., a non-original signature) to be sworn to.

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- When a wage claim is received by the Labor Law Section, the claimant is notified by mail that it has been received and is given an estimated date 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 to that claim is requested. The employer will receive an Employer Response form with a copy of the claim and any attachments. During the investigation of the wage claim, an investigator may contact either party if additional information is needed.
- TWC will issue a PWDO based on the investigation. Both the claimant and the employer will have the right to appeal the PWDO.
- To appeal the PWDO, the claimant or employer must send a written request to TWC's Labor Law Section within 21 calendar days of the date of the PWDO. If the appeal is filed by fax, the appeal date will be the date and time the appeal is received by TWC.
- If neither party requests an appeal, and if the amount ordered due is not submitted by the employer within 30 days after the date of the PWDO, the PWDO will become a Final Order. TWC's Regulatory Integrity Division's Collections Unit will pursue collection action of the amount from the employer.

Additional Information

Wage amounts awarded in wage claim cases are not drawn from state funds. Any monies that are determined due to a claimant must first be collected from the employer before being paid.

If the money cannot be collected, 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 on file with TWC.

It is the claimant's responsibility to notify TWC in writing if his or her address or phone number changes at any time.