

WAGE CLAIM HEARINGS

The Wage Claim Unit of the Antidiscrimination and Labor Division conducts hearings in wage cases where the parties cannot resolve their differences, or where there is a dispute as to whether wages are actually owed, and if so, how much is due.

The hearings are conducted on an informal basis. You may choose to represent yourself, or you can hire an attorney to help you. The purpose of the hearing is for the hearing officer to obtain evidence in the case so he or she may evaluate those facts and make a written decision about whether the claimant is entitled to the wages claimed.

Both the claimant and a representative from the company are required to attend the hearing. This is the only opportunity that you will have to present evidence in a wage claim hearing. You may be able to attend the hearing by telephone, but you must make that request, in writing, no later than 5 days before the date of the hearing. Please do not bring children to the hearing.

It is the responsibility of the claimant to prove that he/she is entitled to the wages claimed. It is the employer's responsibility to prove that the claimant has already been fully compensated. At the hearing, you will need to present evidence, including:

- Your own testimony
- Testimony from witnesses
- Documents such as:
 - ✓ Check stubs
 - ✓ Written employer policies
 - ✓ Written contracts
 - ✓ Whatever else you believe may help support your position

You are responsible for arranging for your own witnesses to attend the hearing. If there is a witness that you wish to call but who is unwilling to attend, you may send a letter to the hearing officer requesting that the Division issue a subpoena that legally requires the witness to attend. The hearing officer will consider your request and issue the subpoena, but you are responsible to arrange for the subpoena to be served on the witness.

The hearing officer will not issue a written decision on the day of the hearing but will issue one within a reasonable time after the hearing. The written decision will be mailed to both parties, and it will inform you of the decision as well as your appeal rights.