

How do I file a wage with the UALD?

Step One: Before you file, you should ask yourself the following five questions:

- **First, do I work for a private company, or do I work for the State, a County or a City?**
 - Unless you work for a private company, the Division cannot help you with your wage claim.
 - If you work for the State, a County or a City, you should follow your employer's policies and procedures for filing grievances. You may also be able to file a claim for unpaid wages in State Court.
- **Second, am I an employee or an independent contractor?**
 - If you are an independent contractor, you may pursue monetary relief by filing a breach of contract claim in State Court.
- **Third, did I earn the wages within the last year?**
 - If you earned the unpaid wages more than a year ago, you may file a claim in State Court, but the Division will not be able to help you.
- **Fourth, am I claiming unpaid wages of at least \$50 but not more than \$10,000?**
 - If not, you may file a claim in State Court, but the Division will not be able to help you.
- **Fifth, is my claim for unpaid overtime only?**
 - The State of Utah has no overtime law. You should contact the U.S. Department of Labor at (801) 524-5706 about filing an overtime claim.
- **Please note that you also have the option of filing a claim for unpaid wages in State Court and you are not obligated to file with the Division first.**
 - However, if you do file a claim in Court, you cannot also file a wage claim with the Division. You cannot file in both places.
- **If you have any questions about whether you have a wage claim, or about wages in general, please contact us at by phone or in person at:**
 - 160 East 300 South, Third Floor
 - Salt Lake City, UT 84114
 - Phone: (801) 530-6801
 - Toll Free: (800) 222-1238
 - TDD 801-530-7685
 - Fax: (801) 530-7609
 - [Email: the Division@utah.gov](mailto:the.Division@utah.gov)
- Due to the many calls we receive, you may have to leave a voice message. However, a Wage Claim Specialist will return your call as soon as possible.
- You do not need to make an appointment.

Step Two: Filing Your Claim

- **To file a wage claim, you must obtain and complete a Wage Claim Assignment Form.**
 - You may download a form from our website.
 - If you prefer, you can contact the Division by phone or in person to obtain the Form, or if you need help completing the form.

- ✎ A Wage Claim Specialist will review your completed form with you to make sure you filled it out completely and provided all necessary information, and to answer any questions you may have.
 - Fill out the form.
 - Be as specific as you can
 - Return it to us, either in person or by mailing it to the address listed on the first page of the form.
 - You can also fax the form to us at (801) 530-7609.
- After the Division receives your form, we will review it to make sure you completed the form properly.
 - If you did not fill out the form properly, or you did not meet all the requirements for filing a wage claim, the form will be mailed back to you, along with an indication of the problem.
- If you completed the form properly, your claim will be assigned a case number and a Wage Claim Specialist who will process and track your claim through the wage claim process.

Step Three: Notice, Investigation and Settlement

- Within two business days of when your claim has been inputted into our database, notice of your claim and a Wage Claim Investigation Form will be mailed to your employer.
- Within 10 business days from the date of the notice, your employer must complete the Wage Claim Investigation Form and submit it to the Division.
 - The Division may grant an employer's request for a reasonable extension of time to file its response.
- You will be sent notice of the employer's written response and required to provide a written reply unless the Division instructs you otherwise.
 - The Division may grant your reasonable extension of time to file your written reply.
- The Wage Claim Specialist will review the parties' written submissions and determine the next steps in the investigation. This may include:
 - Requesting additional documentation from you or your employer, including:
 - ✎ Pay check stubs
 - ✎ Work orders
 - ✎ Company policies
 - ✎ Written agreements between you and your employer
 - ✎ Schedules or time cards
 - Interviewing you
 - Interviewing your employer
 - Interviewing other witnesses
- The Wage Claim Specialist may also discuss possibilities of settlement with you and your employer, separately or jointly over the telephone, in an effort to settle the dispute.

Step Four: The Settlement Conference

- **If the Wage Claim Specialist can't help you and your employer settle the dispute, your case will be scheduled for a Settlement Conference and Hearing.**
- **A Notice of Settlement Conference and Hearing will be mailed to you and your employer to let you know the date and time of the Conference.**
 - **You will also receive a small brochure entitled "Wage Claim Settlement Conference and Hearing Guidelines" which will explain in more detail what you can expect at the Conference.**
- **If you need to reschedule the Settlement Conference, you must do so in writing at least 5 days before hearing.**
 - **If you have an emergency, like a death in the family or some other family emergency, you may call us anytime before the hearing.**
- **If you cannot attend the hearing in person, you may be able to participate by telephone.**
 - **Please call us as far in advance as you can to request permission to participate by phone.**
- **The Settlement Conference is a voluntary opportunity to mediate your wage dispute.**
- **The Settlement Conference is informal and voluntary.**
- **The purpose of the Settlement Conference is to bring the parties together, with a mediator provided by the Division, to facilitate communication between the parties who are in disagreement and see if the differences can be resolved.**
- **The Settlement Conference is not a hearing on the facts of the case, and the mediator will not issue a decision on the merits of your case.**
- **Early resolution of the charge has many advantages, some of which include**
 - **Minimizing the time, energy and expense which is often required to address a complaint of discrimination;**
 - **Better use of your resources;**
 - **Allowing you and the employer to decide how a dispute will be resolved without a third party imposing a resolution.**
- **You do not need to have legal representation to participate in the settlement conference but you and your employer must each have authority to agree upon a settlement.**
- **All issues that reach resolution and all agreements made during the Settlement Conference are legal and binding after the UALD Director has signed the Settlement Agreement. If the Settlement Conference is successful, and the parties satisfy the terms of the Settlement Agreement, the case will be closed.**
- **If you and your employer enter into a Settlement Agreement, but there follows a failure to comply with its terms, the Division may enter an Order for breach of the Settlement Agreement against the non-complying party that includes penalty.**
- **For more information about our mediation program or the Settlement Conference, please see our website.**

Step Five: The Hearing




- **If you and your employer are unable to resolve the wage claim dispute in the Settlement Conference, the case will go immediately to a hearing before an Administrative Law Judge ("ALJ").**

- This is an informal administrative hearing.
- The purpose of the hearing is for the ALJ to obtain evidence in your case so he or she may evaluate those facts and make a written decision about whether you are entitled to the wages you claim.
- You and your employer are required to attend the hearing.
 - This is the only opportunity you will have to present evidence in a hearing at the Division.
- You may choose to represent yourself or you can have a lawyer help you.
- It is your responsibility to prove that you are entitled to the wages you claim. It is your employer's responsibility to prove that you have 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 think may help support your position
- Your employer will also be able to present their own evidence.
- You are responsible for arranging for your own witnesses to attend the hearing.
 - If there is a witness you wish to call who is unwilling to attend, you may send a letter to the ALJ requesting that the Division issue a subpoena that legally requires the witness to attend.
 - ✍ The ALJ will consider your request and issue the subpoena, but you are responsible to arrange for the subpoena to be served on the witness.
- The ALJ 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 you and your employer.
 - It informs you of the decision as well as your appeal rights.

Step Six: Appealing the Decision

- If you disagree with the final Order, you have two options.
 - Option #1: Request that the Director reconsider the Order.
 - ✍ Your request must be received within 20 days after the date that the Order was sent to you.
 - ✍ Your request must be made in writing and must state the specific reasons why you think the Order is wrong.
 - ✍ The Director will issue a written decision granting or denying your request. Her reconsideration will be based on the contents of the file. She cannot consider any new evidence.
 - ✍ You must send your request to the Division Director at:
 - Kerry Chlarson, Director
 - Utah Antidiscrimination & Labor Division
 - 160 East 300 South, Third Floor

**PO Box 146630
Salt Lake City, UT 84114-6630**

-  **You may also fax the request for reconsideration to Kerry Chlarson at (801) 530-7609.**
-  **Remember that the Division must receive your request within 20 days. It is not enough for you to simply put it in the mail on the 20th day.**
- **Option #2: File an appeal in State District Court.**
 -  **You have up to 30 days from the date of the Order to file an appeal in Court.**
- **If the Division does not receive a timely request for reconsideration, the Order will be considered final.**
 - **If your employer fails to pay an Order for Payment, that Order will be docketed in State Court and the Division will start a legal action to collect the amount awarded.**

YOUR OPTIONS AT ANY POINT IN THE WAGE CLAIM PROCESS

- **Both you and your employer may offer to try to mediate or settle the case at any time in the process. A mediator or wage claim specialist can assist with settlement discussions.**
- **You may withdraw your wage claim with the Division and file your case in State Court.**
- **Either party can obtain legal counsel or other representation at any time. The Division must have written notice of representation before it will communicate with your representative.**
- **Both you and your employer are obligated to keep the Division informed of a current address and phone number. The Division may close your case if you cannot be located.**
- **The parties are also required to cooperate fully with the process. The Division may close your case if you do not cooperate with the investigation.**

Persons needing reasonable accommodations, interpreters, or assistive devices due to a disability should contact the Division three days in advance of their appointment or hearing.