

Information on the Labor Commissioner wage claim process

If you filed a Labor Commissioner wage claim, you will be solely responsible for your case going forward (even if you received assistance from Legal Aid at Work with filing the initial claim). Here is what you can expect.

After you file your wage claim, the Labor Commissioner sometimes sends a *Notice of Claim Filed*, in the mail, to you and to your employer(s), within 2-3 weeks. That Notice just confirms that the Labor Commissioner has received your claim. You don't have to respond or take any action, but the Notice will let your employer know that you've started a case against them, so you may hear from your employer. You may also hear from your employer if you are sending a demand letter to them directly.

If your employer contacts you and is interested in resolving the case, it could be a good opportunity to negotiate a settlement. If your employer is ready to negotiate and you feel like you need (free) assistance, you can contact Legal Aid at Work at (415) 864-8848. Legal Aid at Work's staff will see if they are able to help.

There are 2 big next steps in the Labor Commissioner process: the settlement conference and the hearing.

The Conference: You will usually get a *Notice of Conference* in the mail, between 3-9 months after you file your initial claim (the wait time depends on how busy the Labor Commissioner local office is, and can be longer in busy areas like the Bay Area or Los Angeles). It is very important to attend the Conference, or your case may be dismissed. At the Conference, you will review your case with a neutral Deputy from the Labor Commissioner's office, to clarify what you are claiming. You should be prepared to discuss the basic facts of your case, but at the Conference you will not have to present evidence, testify under oath, or present witnesses. Your employer is also invited to the Conference, but they are not required to attend. If your employer does attend, the Labor Commissioner Deputy will encourage you and your employer to try and settle the case. If you do not reach a settlement, you will be asked to sign a *Complaint*, which is the final set of claims you will have to prove against your employer at the next phase of your case, the hearing. Your case will then be placed on the waitlist for a hearing.

(Note that in some cases, the Labor Commissioner decides to skip over a Conference and move the case straight to a hearing, usually if the Labor Commissioner has reason to believe that one or both parties are not interested in settlement.)

The Hearing: About 1 year to a year and a half after the Conference, you will get a *Notice of Hearing* in the mail, with your hearing date. It is very important to attend the Hearing, or your case will be

dismissed. The Hearing is like a court trial, but less formal, and not open to the public. You will have a chance to present evidence, your own testimony, and the testimony of any witnesses, to a hearing officer who will eventually decide the case. Your employer will also have a chance to testify and present evidence in their defense.

After the hearing it may take 3-6 months for the hearing officer to make a decision, which they will put in writing and mail to you. If you win your case, your employer may pay you the amount of the decision, or you may have to go through a collections process to get the money from the employer, which can be difficult and complicated. There is also the option for either side to appeal the Labor Commissioner's decision to Superior Court.

At the Conference and the Hearing, you have the option of bringing a representative (who does not have to be an attorney) to assist you and speak on your behalf. If you get a Notice of Conference or Notice of Hearing and are interested in having a representative, you can contact Legal Aid at Work at (415) 864-8848. Legal Aid at Work cannot guarantee that they will be able to represent you, but they can see if they have capacity at that time to provide you with a representative. As a non-profit, Legal Aid at Work would represent you for free.

The Labor Commissioner process can be long, and there will be long periods where you will probably not hear anything from the Labor Commissioner about your case. It can sometimes be difficult to make contact with staff at the Labor Commissioner to get a status update on your case. But, if you'd like to check on the status of your case, the Labor Commissioner has an [online Wage Claim Search tool](#) you can use. You can also try to contact [the Labor Commissioner District Office](#) where your claim was filed. Because Legal Aid at Work is a separate, outside organization, and not part of the Labor Commissioner's office, Legal Aid at Work will not have any information about the status of your case.

It is important that you have a good mailing address where you can receive mail, because that is how the Labor Commissioner will contact you about your case. If your mailing address changes, it is very important that you contact the Labor Commissioner District Office where your claim was filed, and give them your new mailing address.

Here is a link to the Labor Commissioner's website, where they have more information about the wage claim process: <https://www.dir.ca.gov/dlse/HowToFileWageClaim.htm>

Here is the link to the Labor Commissioner's Wage Claim Search tool:
<https://mycadir.force.com/wcsearch/s/>

You can also find more information about wage theft and [how to represent yourself in a case before the Labor Commissioner](#) on Legal Aid at Work's website:
<https://legalaidatwork.org/our-programs/combating-wage-theft/>