

## Information About Filing a Claim

Read this carefully to learn if you should file a claim with Labor Standards. Complete the LS 223 to claim unpaid wages, illegal deductions, wage supplements, minimum wage, overtime, no meal period, etc.

Return your completed form to the address above.

The LS 223 is available in languages other than English. Any person working in New York State may send a complaint to the New York State Department of Labor. If the information provided here doesn't answer your question, call (888) 469-7365.

**Labor Standards accepts many types of claims and complaints related to wages owed and other employment issues. For example, you may:**

- **Claim unpaid wages if:**
  - Your employer did not pay you for all hours worked (including on the job training)
  - Your paycheck bounced due to “not sufficient funds” (NSF)
  - You did not receive all your tips
  - Your rate of pay was lowered without prior notice
- **Claim illegal deductions** if your employer:
  - Deducted wages from your pay
  - Charged you for damages
  - Overcharged you for your portion of the Paid Family Leave contribution
- **Claim unpaid wage supplements** if your employer promised you (verbally or in writing), but did not provide **earned:**
  - Vacation pay
  - Holiday pay
  - Bonuses

If the employer never promised to pay wage supplements, they are not required by law to pay them.

- **Claim-minimum wage/overtime pay** if your employer:
  - Paid you less than the current minimum wage, the fast food minimum wage, or the tipped worker minimum wage
  - Did not pay an overtime rate for hours worked over 40 in one week (Most employees must be paid time and ½ their rate of pay for more than 40 hours worked, but there are some exceptions)
- **Claim minimum wage extras** if:
  - Your employer owes you extra pay for cleaning your own uniform
  - You are owed call-in pay
  - You are owed additional pay because your workday spans more than 10 hours from start to finish

- **Make a non-wage complaint** if your employer failed to provide the required meal period, day of rest, pay stub, notice of pay, timely payment of wages, or took a negative action against you for making a complaint related to the Labor Law
- **Send information to support your claim** (if available), such as copies of a benefit policy, pay stubs, cancelled checks, checks not honored, time records, etc. (**Do not** send original documents.)

**You must complete Parts 1 through 3 and 8 through 10. Also complete:**

- Unpaid Wages and/or Illegal Deductions claim, Part 4
- Wage Supplement claim, Part 5
- Minimum Wage or Overtime claim, Part 6
- Non-wage complaint, Part 7

**After you file a claim**, expect a letter from us within 25-30 business days listing your case number and other important information. Keep the letter that has your case number on it. Tell us right away if the employer pays you what you are owed, or if you change your address or phone number.

**Labor Standards cannot accept every claim. Labor Standards will not accept claims if you:**

- Worked outside of New York State
- Have filed an action to recover your wages in small claims or civil court
- Are claiming commissions from sales.
- Were in business for yourself, or were truly an independent contractor
- Are owed wages from a government agency, town, county, or city
- Are owed wages from more than three years since the date you earned the wages or supplements due to you
- Are making a claim for wages or benefits that are subject to a Union's grievance and arbitration procedure
- Have an employer benefit policy that excludes you from collecting accrued benefits for a specific reason (e.g., quit without notice)
- Are owed a wage supplement, but 30 days have not passed since it became due
- Worked as an executive, administrative, or professional employee and earned over \$900 per week
- Performed public work (use the PW4 to make a complaint)

**Labor Standards does not investigate claims of discrimination, failure to provide family leave benefits, work-related safety concerns, or disability claims. Please call (888) 469-7365 for further information on other state agencies that may be able to assist you.**



Office Use Only:	
LS ID	_____
LCM	_____
PV <input type="checkbox"/> Priority	_____
Taken by	_____
Date	_____

## Labor Standards Complaint Form

Use this form to claim unpaid wages, illegal deductions, wage supplements, minimum wage, overtime, no meal period, etc.

**Note:** This complaint form is available in languages other than English. Anyone working in New York State may make a complaint to the New York State Department of Labor.

Please answer all questions for each part related to your claim. Providing complete information helps us review your complaint and accept it for investigation. Return your completed form to the address above.

We will contact you if we do not have enough information to proceed or if your claim appears invalid. If you have questions about how to complete this form call (888) 469-7365.

### We cannot accept the following wage or supplement claims:

- For work performed outside of New York State.
- From anyone employed in an administrative, executive, or professional capacity who earns over \$900 gross per week (they are excluded from coverage under Sections 190[7] and 198-c[3]).
- From individuals employed by a public entity such as a town, county, or city.
- From individuals who are in business for themselves.
- For work performed on a public work project (use form PW-4).

### Part 1. Person Filing Claim (Employee/Complainant Information)

1. Name:(first)\_\_\_\_\_ (middle)\_\_\_\_\_ (last)\_\_\_\_\_
2. Another name known by at work: \_\_\_\_\_
3. Mailing address: No:\_\_\_\_\_ Street:\_\_\_\_\_ Apt. # \_\_\_\_\_  
City/town: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_
4. Phone: (\_\_\_\_\_) \_\_\_\_\_ 5. Other phone:(\_\_\_\_\_) \_\_\_\_\_
6. Email: \_\_\_\_\_ 7. Your primary/preferred language: \_\_\_\_\_

### Part 2. Claim Filed Against (Business/Business Owner Information)

- 8a. Business name: \_\_\_\_\_
- 8b. Legal name (if different): \_\_\_\_\_
- 8c. Legal entity type:  Individual  LLC  Partnership  Corporation  Other: \_\_\_\_\_
- 8d. Mailing address: No.: \_\_\_\_\_ Street: \_\_\_\_\_ Fl/Rm/Suite#: \_\_\_\_\_  
City/town: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

8e. Business phone: ( \_\_\_\_\_ ) \_\_\_\_\_ 8f. Email: \_\_\_\_\_

9a. Owner(s) name(s) and title(s): \_\_\_\_\_

9b. Mailing address: No.: \_\_\_\_\_ Street: \_\_\_\_\_ Apt. #: \_\_\_\_\_

City/town: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

9c. Owner phone: ( \_\_\_\_\_ ) \_\_\_\_\_ 9d. Email: \_\_\_\_\_

10. Business type:  restaurant  retail store  domestic help  construction  office  other: \_\_\_\_\_

11. Business hours of operation: \_\_\_\_\_ 12. Total # of employees: \_\_\_\_\_

13a. Is the company still in business?  Yes  No 13b. If "No," when did business close? \_\_\_\_\_

14. Employer's bank name and location (attach copy of check or check stub): \_\_\_\_\_

15. Has the employer filed for bankruptcy?  Yes  No  Unknown

### Part 3. Person Filing Claim (Employment Information)

16. Your job title: \_\_\_\_\_ 17. Type of work you performed: \_\_\_\_\_

18. Date hired: \_\_\_\_\_ 19. Name and title of person who hired you: \_\_\_\_\_

20. Name/s of your manager/supervisor/foreman: \_\_\_\_\_

21. Name of person who paid your wages: \_\_\_\_\_

22. Worksite address: No.: \_\_\_\_\_ Street: \_\_\_\_\_ Fl/Rm/Suite#: \_\_\_\_\_

City/town: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_ Zip code: \_\_\_\_\_

23. Did you regularly travel outside New York State for work?  Yes  No

24. Your relationship with business:  Still employed  Discharged  Quit  Temporarily laid-off

25a. Last day worked: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ 25b. Reason for leaving: \_\_\_\_\_

26a. Were you a member of a union?  Yes  No 26b. If "Yes," union name and Local no.: \_\_\_\_\_

27a. Your rate of pay: \$ \_\_\_\_\_ per  Day  Week  Hour  Other \_\_\_\_\_

27b. Your overtime rate of pay: \$ \_\_\_\_\_

28a. Did you earn tips on a regular basis?  Yes  No 28b. If "Yes," how much on average per hour? \_\_\_\_\_

28c. Has your employer kept your or any other employee's tips?  No  Yes – yours  Yes – others'

28d. If "Yes," how much? Please Explain: \_\_\_\_\_

29a. What was your payday?  Mon  Tues  Wed  Thurs  Fri  Sat  Sun

29b. What period did this cover? (e.g. Sat through Fri) \_\_\_\_\_

30. How often were you paid?  Daily  Weekly  Every two weeks  Other \_\_\_\_\_

31. How were your wages paid?  Cash  Check  Direct Deposit  Pay Card

Combination: (please explain - e.g. part in cash and part by check) \_\_\_\_\_

32a. Were you required to wear a uniform?  Yes  No 32b. If "Yes," describe the uniform \_\_\_\_\_

32c. Were uniforms free of charge?  Yes  No 32d. If "No," how were uniforms purchased and how much did they cost? \_\_\_\_\_

**Part 4. Unpaid Wages Claim**

Fill in this section if you are owed wages (see Part 6 if you are due overtime pay). Use one row for each week. Gross wages mean the amount earned before taxes or other deductions. Attach a separate sheet(s) for additional weeks, or to give more information.

A. Payroll Week Ending Date	B. Number of Days Worked in the Week	C. Hours Worked in the Week	D. Rate of Pay (Earned or Promised)	E. Illegal Deductions from Wages (e.g. fines, breakage, etc.)	F. Gross Wages Owed for the Week	G. Gross Wages Paid (If employer paid some of the wages owed write the amount here)	H. Difference Between Gross Wages Owed and Gross Wages Paid
Ex.: 4/4/2017	7	35	\$16.00 per hour		\$560 (CxD)	\$0	\$560 (F-G)
<b>I. Total</b>							

33a. If your paycheck was not honored by the bank, please provide check number and payroll week ending date. If available, provide a copy of the check: \_\_\_\_\_

33b. Claim Range: What time period does your wage claim cover?  
Date from: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**Part 5. Unpaid Wage Supplement Claim**

Fill in this section for wage supplements you are owed. Wage supplements are fringe benefit payments promised by the employer such as: vacation pay, expenses, holiday pay, etc.

34. Explain the benefits promised or attach a copy of the written policy/handbook: \_\_\_\_\_

A. Type of Benefit Owed	B. Time Period Benefit Earned	C. Date Benefit Payment Due	D. Amount of Benefit Time Owed	E. Amount of Benefit Payment Due	F. Benefit Promised by:
Ex.: Vacation pay	1/1/16–12/31/16	1/1/17	1 week	\$700	<input checked="" type="checkbox"/> written policy <input type="checkbox"/> verbal promise
					<input type="checkbox"/> written policy <input type="checkbox"/> verbal promise
					<input type="checkbox"/> written policy <input type="checkbox"/> verbal promise
					<input type="checkbox"/> written policy <input type="checkbox"/> verbal promise
<b>G. Total</b>					

**Part 6. Unpaid Minimum Wage or Overtime Claim**

**Fill in this section** if you were paid below the State Minimum Hourly Wage and/or you were not paid overtime, or if you are owed extra pay for working 2 shifts in one day, or for working more than 10 hours in one day. Most employees must be paid at least the minimum wage and time and ½ if they work more than 40 hours per week.

- 35a. Are you paid the minimum wage for each hour worked?  Yes  No
- 35b. Are you paid time and ½ for the hours worked over 40?  Yes  No
- 35c. Are you paid any wages for the hours worked over 40?  Yes  No    35d. If “Yes,” how much per hour? \_\_\_\_\_
- 35e. Are you paid an extra hour for working 2 shifts in one day or for working more than 10 hours in one day?  
 Yes  No
- 35f. If “No” to any of the above, please explain and fill in the schedule of your work week below: \_\_\_\_\_

A. Workday	B. Time Workday Started	C. Time Workday Ended	D. Time off for Meals	E. Total Hours
Example	10:00 am	11:00 pm	30 min	12.5 hours
Sunday	:	:		
Monday	:	:		
Tuesday	:	:		
Wednesday	:	:		
Thursday	:	:		
Friday	:	:		
Saturday	:	:		
<b>F. Weekly Total</b>				

- 36a. Are the hours worked listed above the same every week?  Yes  No
- 36b. If “No,” please provide your estimate of average number of hours worked per week: \_\_\_\_\_
- 36c. Are you owed call-in pay, or uniform maintenance pay? If yes, please explain and provide dates.  
 \_\_\_\_\_
- 36d. Claim Range: What time-period does your minimum wage or overtime claim cover?  
 Date from: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to: \_\_\_\_ / \_\_\_\_ / \_\_\_\_
- 36e. Provide information on your regular and overtime rates of pay during the above claim range.
- |                               |                            |
|-------------------------------|----------------------------|
| Date from: ____ / ____ / ____ | to: ____ / ____ / ____     |
| Regular: \$ ____ per ____     | Overtime: \$ ____ per ____ |
| Date from: ____ / ____ / ____ | to: ____ / ____ / ____     |
| Regular: \$ ____ per ____     | Overtime: \$ ____ per ____ |
| Date from: ____ / ____ / ____ | to: ____ / ____ / ____     |
| Regular: \$ ____ per ____     | Overtime: \$ ____ per ____ |

## Part 7. Non-Wage Complaint

Check those that apply if you want to make a non-wage related complaint. Check all that apply. Please explain and provide an additional sheet if needed.

The employer failed to:

- 37a.  Provide a 30-minute meal period \_\_\_\_\_  
Were you paid for the time worked when the employer failed to provide the meal period?  Yes  No
- 37b.  Provide a wage statement (pay stub) \_\_\_\_\_
- 37c.  Provide a day of rest \_\_\_\_\_
- 37d.  Provide a termination notice \_\_\_\_\_
- 37e.  Provide a notice of pay rate \_\_\_\_\_
- 37f.  Pay wages on time \_\_\_\_\_
- 37g.  Pay wages "on the books" \_\_\_\_\_
- 37h.  Post required notices/Minimum Wage Poster \_\_\_\_\_
- 37i.  Follow rules for employment of minors (under 18) \_\_\_\_\_
- 37j.  Other \_\_\_\_\_

## Part 8. Claim Background

- 38a. Did you ask for your wages?  Yes  No
- 38b. If "Yes," please explain. Who and when did you ask, and what happened?

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- 38c. Have you already taken action, such as filing in small claims court or a lawsuit, to recover your wages?  
 Yes  No

38d. If "Yes," please explain: \_\_\_\_\_

## Part 9. Retaliatory Action

- 39a. Did you complain to your employer about this or another labor law violation?  Yes  No
- 39b. If "Yes," what happened? \_\_\_\_\_
- 39c. Do you now want to file a retaliation claim against this employer?  Yes  No

**Part 10. Claim Assistance**

40a. Do you have a representative (e.g. private attorney, advocacy group)?  Yes  No

40b. If "Yes," provide name of person or group: \_\_\_\_\_

40c. Has this representative assisted you in filing this claim?  Yes  No

40d. Have you paid, or do you plan to pay, this representative?  Yes  No

40e. Do you want us to speak with this representative about your claim?  Yes  No  
If so, representatives must submit a Letter of Representation (LS 11).

40f. Did anyone, other than the representative, help you fill out this form?  Yes  No

40g. If "Yes." who helped you and why did they help you? \_\_\_\_\_

**Additional Comments/Useful Information:**

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**I certify the above information is true to the best of my knowledge, and I am aware there are penalties for making false statements. I authorize the Commissioner of Labor, deputies or agents to receive, endorse my name on, and deposit in the account of the Commissioner of Labor any checks or money orders made out to me as payment on this claim. I will notify the New York State Department of Labor if my contact information changes.**

\_\_\_\_\_  
Claimant Signature

\_\_\_\_\_  
Date

Return your completed form to the address on Page 1.