

Texas Workforce Commission
Labor Law Section
101 East 15th Street, Room 124T
Austin, Texas 78778
(800) 832-9243
(512) 475-3025 (fax)

Desk Aid on the Texas Payday Wage Claim Process

The following desk aid has been compiled by the Labor Law Section to offer guidance to individuals assisting the public in filing payday wage claims. We invite you to peruse our website (www.twc.state.tx.us/ui/lablaw/texas-payday-law.html) for helpful information on the Texas Payday Law. If you have any questions, please call us at **(800) 832-9243** (*within Texas only*) or **(512) 475-2670** (*main switchboard*). Information on the website and telephone assistance are available in both English and Spanish.

Instruct individuals wishing to file that:

- the entire wage claim form must be filled out completely, accurately, and legibly;
- depending on the wage claim form version, either:
 - have the wage claim signed and sworn to before a Texas Workforce Commission (TWC) employee, a Board-appointed designee, or a notary public; or
 - complete the unsworn declaration;
- copies of any payroll checks or stubs and any information to support their claim must be submitted with their wage claim; and
- the completed wage claim form with attachments may be mailed or faxed to the Labor Law Section at the address or number listed above.

Always:

- distribute the most recent payday wage claim form (located on the Labor Law Section website);
- know current wage claim process procedures; and
- instruct individuals to call the Labor Law Section with any questions.

Wage Claim Process

- 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 estimate of the time frame 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 photocopy of the claim and any attachments submitted. Once a wage claim is in the process of being investigated, an investigator **may** contact either party if additional information is needed.
- Based on the investigation, TWC will issue a PWDO. Both the claimant and the employer will have appeal rights to the PWDO.
- To appeal the PWDO, the party must send a written request within 21 calendar days from the date the PWDO is dated. If the party files the appeal by fax, then the appeal date shall be the date and time the appeal is received by TWC. In addition, an appeal may be filed online at www.texasworkforce.org/paydayappeal.
- If neither party requests an appeal, and if the amount ordered due is not submitted by the employer within 30 days, it will be referred to the Labor Law Collections Unit for collection action.

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 they are paid out.

If the money cannot be collected, then 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 we have on file. It is the claimant's responsibility to notify TWC in writing if his or her address or phone number changes at any time.