



WAGE AND HOUR

WAGE CLAIM

Filing Instructions
and
Application Form



**ALASKA DEPARTMENT OF LABOR
& WORKFORCE DEVELOPMENT**

Labor Standards & Safety Division

PLEASE

Use this checklist. We hope it will help you complete a successful wage claim

- ☐ **READ ALL INSTRUCTIONS PRIOR TO COMPLETING CLAIM**
- ☐ **COMPLETE THIS CHECKLIST PRIOR TO SENDING CLAIM TO THE NEAREST REGIONAL WAGE AND HOUR OFFICE**
- ☐ Have you asked for your wages from your current/ex-employer?
- ☐ Is your claim for more than \$50.00?
- ☐ You did not work/are not working for a public employer?
- ☐ Filled out all pages of wage claim to the fullest extent of your knowledge?
- ☐ All pages required to be signed are signed? (Pages ii, 3 and 5)
- ☐ All documentation that is relevant to claim is **copied & attached** to your claim?
- ☐ Include your **current** mailing address and phone number?

WAGE & HOUR OFFICES

Anchorage Regional Office
1251 Muldoon Road, Suite 113
ANCHORAGE, AK 99504-2098

Phone: (907) 269-4900

Juneau Regional Office
P. O. Box 111149
1111 West 8th Street, Suite 302
JUNEAU, AK 99811-1149

Fairbanks Regional Office
675 7TH AVENUE, STATION "J1"
FAIRBANKS, AK 99701-4596

Email: statewide.wagehour@alaska.gov

HOW TO FILE A WAGE CLAIM

PLEASE DO NOT COMPLETE FORMS UNTIL YOU HAVE READ INSTRUCTIONS BELOW

Fill out the wage claim packet and return it to this office at an address listed above or statewide.wagehour@alaska.gov. Please include any documents that may help strengthen your claim. Some examples are included below in the tips section.

- Page 1. The Wage Claim Form gives the Department information, details, and history about your case. The form must be complete and exact. **PLEASE NOTE**, you are the moving party and carry the initial burden of proof.
- Page 2. Calculation Sheet. Fill out to the best of your ability.
- Page 3. Statement of Claimant: In your own words, write a statement about your claim.
- Page 4. Additional room for statement.
- Page 5. The Assignment gives the Department of Labor & Workforce Development permission to take legal action and/or collect money on your behalf. If your claim progresses to Small Claims Court we may request a notarized copy of this form.
- Pages 6/7. Worksheets to record the hours you worked each day and each week. Be as exact as you can.

TIPS FOR FILING A CLAIM:

Please furnish the following as attachments:

1. Copies of your personal time records;
2. A copy of your hiring agreement;
3. A copy of the company policy that supports your claim, if one exists;
4. Documentation if your union has helped you with this problem;
5. The question "Occupation when claim occurred?" asks what your job description was at the time of the claim. For example: carpenter, truck driver, clerk, manager, etc.;
6. To claim return transportation, your employer must have furnished or financed your transportation to the place of work;
7. If the claim is for NSF checks, we must have the original NSF check. If you do not have the check, we must have the name of the bank, merchant, etc., who holds the check;
8. If you believe your claim is complex, you may include a letter explaining the claim.

HOW WE PROCESS WAGE CLAIMS

Claim Review: Submission of your wage claim does not constitute acceptance by the Department. The Department is not required to accept all wage claims. Acceptance is based upon the cost to the state to enforce the claim, the strength of the proof supporting the claim, and the current enforcement focus of the Department. All claims will be reviewed for acceptance. If additional information is needed to make a determination an investigator will contact you. An acceptance determination should be made within two weeks.

Notice to the Employer: Once a claim is accepted and assigned to an investigator, a notice of claim and demand letter is sent to the employer. Twenty days are allowed for the employer to respond. Depending on Investigator case load, it may take time before your claim letter is mailed. Once the demand letter is sent, the claim is set for follow-up. Follow-up dates vary with investigator caseloads.

Informal Meetings: Both sides will be given a chance to explain their positions and support them with testimony, documents or witnesses. The Investigator will explain the laws and attempt to reach a settlement. If needed, extra time may be granted.

Court Action: If an employer will not pay, and if the Department believes the claim has merit, the case may be filed in court. It may take up to two (2) years to resolve a claim in court. If the wages and penalties are less than \$20,000, the case may be filed in Small Claims Court. You must be willing to appear and testify in a Department meeting or in court. Failure to appear may result in the Department or the court ruling against you. Failure to keep the Department informed of your current mailing address and phone number might result in the closure of your claim. As the assignee of your claim, the Department is permitted to adjust the amount of your claim if it receives a settlement offer.

Penalties: The Department will request penalties if a claim is filed in court. Penalties or damages may be granted by the court.

Judgments: Winning in court results in a judgment. However, judgments are hard to collect. You may be asked to assist the Department in finding assets. Therefore, the Department may assign the judgment to you to collect.

How You Can Help: Please contact only the investigator in charge of your claim. Please do not call for updates on your claim until after the 20-day response date. Cases are handled in the order they are filed. Besides wage claims, Wage & Hour must provide many types of support to the public. Filing a wage claim with the Department should be your last resort. In most cases, your claim will not be accepted until you make a personal demand for your wages.

Options: You may request reassignment of your claim. If the Department finds that an issue of public protection exists, your request to reassign your claim may be denied. You may not pursue an action through a lawyer, or on your own, until the Department reassigns the claim in writing. If your claim is reassigned, you may:

1. file a complaint in Small Claims Court if the amount is less than \$10,000; or

2. hire a lawyer.

A REQUEST TO REASSIGN YOUR WAGE CLAIM MUST BE MADE BEFORE THE DEPARTMENT ACCEPTS A SETTLEMENT OFFER.

I certify that I have read or had the above explained to me and that I understand my rights and duties as outlined. My name on the form below constitutes my signature.

Signed: _____

Dated: _____

PRINT OR TYPE - FILL IN ALL BLANKS AS COMPLETELY AS POSSIBLE.**CLAIMANT** Mr. ____ Ms. ____ Mrs. ____ Your Name _____

Date of Birth: _____ Social Security Number: _____

Mailing Address: _____ ZIP _____

Phone No. (____) _____ Emergency Contact Name & No. _____

Your E-mail address: _____

EMPLOYER

Name of Business: _____ Incorporated? _____

Address where employed: _____

Phone No. (____) _____ (Attach a map or directions if difficult to find)

Company mailing address _____ ZIP _____

Business Owner: _____

EMPLOYMENT

Who hired you? _____ Phone No. _____

Who was your supervisor? _____ Phone No. _____

City where hired: _____ Date of Hire: _____

Did your employer have 4 or more employees at the time you worked there? _____

Your occupation (when employed by this employer) _____

Why did this employment end? _____

_____ Date _____

Have you asked for your wages? _____ Date _____

Employer's reply _____

If you were working on a fish processor, were you working outside the 3-mile limit?

Yes _____ No _____ Don't know _____

WAGE AGREEMENTWage promised when hired? \$ _____ per: ☐ hour ☐ Day ☐ week ☐ month ☐ Other _____

Room and board provided? _____ Rate Charged \$ _____ per _____

Wage rate at time of termination \$ _____

Enter the hours you usually worked daily and weekly (less meal breaks)

S	M	T	W	Th	F	S	WEEKS TOTAL

What is your regularly scheduled payday? ☐ Weekly ☐ Bi-Weekly (i.e., every other Friday)
☐ Twice a Month (i.e., 1st and 15th) ☐ Monthly ☐ Other

Do you have a personal record of your hours? _____ (If so, please provide it)

Was your hiring agreement verbal? _____ Written? _____

Were you working under a union contract on this job? _____

Claim Number: _____

WAGES CLAIMED CALCULATION SHEET

From _____, 20_____, through _____, 20_____.

Straight-time hours @ \$ per hour = \$

Overtime hours @ \$ per hour = \$

(Use lines below if you had more than one rate of pay)

Straight-time hours @ \$ per hour = \$_____

Overtime hours @ \$ per hour = \$

Straight-time hours @ \$ per hour = \$_____

Overtime hours @ \$ per hour = \$ _____

PLUS (if applicable)

_____ Vacation Hours @ \$ _____ per hour = \$ _____

Return Transportation Cost = \$ _____

Bonus (show method of bonus calculation in notes section below) \$ _____

Commissions (show method of calculation in notes section below) \$_____

Other (explain in notes section below) \$ _____

Sub-Total \$ _____

Less wages, advances, room and board, etc. (-) \$ _____
Itemize:

TOTAL AMOUNT CLAIMED	\$
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Calculation Notes: _____

STATEMENT OF CLAIMANT

In your own words, briefly describe your complaint, such as: why your employer won't pay you; whom you asked for your wages and how much you are owed, etc. (a copy of this will be provided to the employer.)

PLEASE PRINT IN INK OR TYPE

STATEMENT: _____

REQUIRED SIGNATURE AND VERIFICATION:

☐

By submitting this form, I am confirming the information provided is accurate and true. I am also agreeing to cooperate and communicate with my assigned investigator. My name on this form below constitutes my signature

Signature (Print or Type)

Date

STATEMENT (Continued)[illegible]

ASSIGNMENT OF WAGE CLAIM

I, _____
(name)

now living at _____
(address)

I, _____ do hereby transfer and assign to the State of Alaska, Dept. of Labor & Workforce Development any and all rights, claims, or causes of action under (1) A.S. 23.05.220, such as claim for wages, mechanic's or employee's lien, return of worker's tools, vacation pay or severance pay; under (2) A.S. 23.10.050-150, such as minimum wages, overtime or illegal deductions; or under (3) A. S. 23.10.380, such as return transportation and/or subsistence that I may have arising out of my employment for _____
(employer)

I worked as a _____ at _____, Alaska, from
(job description) (location)
_____, 20____, to _____, 20____. The amount due
(first day worked) (last day worked)
me is about \$_____, plus interest and any penalties or other remedies allowed by law.
(amount)

I hereby permit the Alaska Department of Labor & Workforce Development, at its own expense, to collect and receive any monies due and owing to me from this employment and to take any and all actions which I might have or could have taken.

I give the Alaska Department of Labor & Workforce Development the power to settle, without my further approval, my wage claim for less than the full value, including interest and penalties. I agree that once the Department reaches a settlement, I forfeit any other chance to collect on my claim. I further agree that any costs or legal fees that may be collected by the Department of Labor and Workforce Development shall become the property of the State of Alaska.

By submitting this form, I am confirming the information provided is accurate and true. I am also agreeing to cooperate and communicate with my assigned investigator. My name on this form below constitutes my signature and attests that I have read this document and agree fully to its terms.

This Assignment is executed under the authority of A.S. 23.05.060, A.S. 23.05.140-250, A.S. 23.10.110 and A.S. 23.10.380.

Signature (Print or Type)

Date

Accepted by

STATE OF ALASKA:
DEPT. OF LABOR & WORKFORCE DEVELOPMENT

By: _____
Labor Standards & Safety Division

YOUR NAME _____ HOURLY RATE OF PAY _____

DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT
WEEKLY TOTAL						WEEKLY TOTAL						WEEKLY TOTAL				
DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT
WEEKLY TOTAL						WEEKLY TOTAL						WEEKLY TOTAL				

YOUR NAME _____ HOURLY RATE OF PAY _____

DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT
WEEKLY TOTAL						WEEKLY TOTAL						WEEKLY TOTAL				
DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT		DAY	DATE	HOURS WORKED	ST	OT
WEEKLY TOTAL						WEEKLY TOTAL						WEEKLY TOTAL				