



New York State Department of Labor

David A. Paterson, Governor

M. Patricia Smith, Commissioner

Division of Labor Standards

CHECK LIST FOR COMPLETING CLAIM FORMS

Conditions that prevent acceptance of your claim:

- The New York State Labor Law excludes from wage payment and wage supplement (fringe benefit) coverage those persons in an administrative, executive or professional capacity whose earnings exceed \$900.00 gross per week. Bona fide managers, registered nurses and corporate officers are among those employees who cannot file a claim with us if their weekly wage is greater than \$900.00. This exclusion may not apply in claims involving illegal deductions from wages.
- Employees of the federal, state, municipal or local government are not covered by the Labor Law in regard to wage payment or wage supplement issues.
- Independent contractors are not employees and therefore they are not under our jurisdiction.
- The New York State Labor Law generally is not applicable to work performed outside the physical boundaries of New York State.
- To collect unpaid wages or wage supplements from an employer that has declared bankruptcy, an employee must file a claim with the United States Bankruptcy Court, not with the Division of Labor Standards.
- If civil action involving a wage or wage supplement matter has already been initiated in Small Claims Court (or in any other court), a claim may not simultaneously be filed with us.

(See continuation on reverse side)

Have you used the correct form to file your claim?

Use the LS-223 Claim form to file for Unpaid WAGES.

This form is for employees whose hourly salary is at least \$7.15 an hour and whose complaint does **not** involve unpaid "overtime." Claims for overtime should be made in person at 75 Varick Street, 7th Floor, New York, New York 10013. Wage claim forms lacking responses in boxes 1, 2, 4, 5, 7, 18, 23 and 25 **cannot be processed** until the information is provided.

Use the LS-425 Claim Form to file for Unpaid Wage SUPPLEMENTS.

This form is for promised fringe benefits, such as vacation time, sick days and holidays, that have not been paid. Items such as bonuses, tuition and reimbursement for expenses, are also considered "wage supplements" and may be claimed on this form. However, we can not accept claims for unpaid severance pay. Yellow wage supplements claim forms lacking response in boxes 1,2,4,5,7,17,18, and 24 **cannot be processed** until the information is provided.

Use the LS-223.1 Commission Salesperson Recapitulation Sheet for Unpaid Commissions.

Commissions are payable based on the commission agreement -- usually after the sale is completed. Claimants need to itemize the information for each individual commission that is being claimed.

Have you filled out your claim form correctly?

- Did you print clearly the information on the front and back of the claim form?
- Did you use only gross amounts for the wages or wage supplements you are claiming?
- Did you sign and date the form?
- Does the total amount claimed on the front of the claim form equal the total amount claimed on the back of the claim form?

Have you attached copies of the necessary documents?

Where appropriate be sure to include:

- Copies of payroll checks not honored
- Copies of wage statements (check stubs)
- Copies of company policies, commission statements

NOTE: If you need assistance, please visit our office at 75 Varick Street, 7th Floor, New York, New York 10013 or telephone us at (212) 775-3880.