Department of Labor and Industries
Employment Standards
360/902-5316

CLAIMANT QUESTIONNAIRE

PLEASE READ AND ANSWER THE QUESTIONS BELOW BEFORE YOU FILE A WORKER RIGHTS COMPLAINT

The Department of Labor & Industries (L&I) may investigate complaints for unpaid wages, unpaid overtime, unlawful deductions, and other wage-related issues. L&I may also investigate complaints concerning violations of laws on child labor, meal and rest periods, pay statements, late paydays, and other issues listed in box 30 on the Worker Rights Complaint.

Complaints for final wages due after termination must be filed within 60 days of the last date worked, and other conditions also apply when filing a complaint for final wages. Most other types of complaints are generally accepted with no specific timeframe. Generally, it is unlikely the department will be able to obtain your wages if you are filing a wage complaint against a corporation that has gone out of business.

Please answer the following questions. Some of the questions may not relate to the type of complaint you are filing, so please write N/A (not applicable) in the "No" column. This will help us to know if L&I can accept your complaint. If you answer "Yes" to any of these questions, then L&I cannot accept your complaint.

	YES	NO
1. Is your complaint against:		
• A person or business you are planning to sue in court for any reason?		
• A business in which you are a partner or had a financial interest?		
• A family member or you are self-employed?		
2. Has it been more than 60 days since the last date you worked for your former employer? Exceptions:		
• Former employees of Farm Labor Contractors may file complaints if it is within 3 years of the last date worked		
• Workers filing prevailing wage complaints generally must file within 30 days of the project's acceptance date by the public agency		
3. Are you claiming less than 8 hours of pay based on the current minimum wage? (For example: minimum wage for 2004 is $7.16 per hour x 8 hours = $57.28)		
4. Is your complaint for more than $4,000, except complaints for prevailing wages?		
5. Is your complaint for unpaid vacation or sick leave, holiday pay, severance pay, expense reimbursement, or bonus payments?		
6. Is your complaint for unpaid commissions for other than outside sales work?*		
• If so, did you receive at least the minimum wage for hours worked?		
• Do you have documentation to prove the hours worked?		
• *The department does not accept complaints for commissions earned by outside sales persons or independent contractors or for others that are paid a base hourly rate plus commissions or salary wage plus commissions.		
7. To your knowledge, has your former employer filed bankruptcy?		
8. Do you have property, equipment, paperwork, or other materials belonging to the employer?		
9. Did you perform your work outside of the State of Washington? If so, you must file your complaint with the Department of Labor in the state in which you worked.		

If L&I cannot accept your complaint because you answered "yes" to any of the above questions, you may have other options available to pursue payment, and you may request copies of brochures or forms below followed by *.

1. You may file in the Small Claims Court in the county where the employer is located. *
2. You may seek advice from a private attorney.
3. If your employer has filed bankruptcy, file a Proof of Claim form with the U.S. Bankruptcy Court.
4. If you are an agricultural worker with wages due, you may request a "Farm Worker Referral Sheet" with information to help you. *