



ASSEMBLYWOMAN • DISTRICT 80

**LORENA**  
Gonzalez ★

## Have you been a victim of wage theft? File a claim.

When workers aren't paid the wages they have earned, they aren't able to pay their rent or cover their bills. Even during this pandemic, we're hearing stories of wage theft where workers who have been laid off still haven't received the last paycheck they're owed. **Does this sound like something you or someone you know has experienced?**

Today, I'm reaching out to make sure you know that California workers have the right to **file a Wage Claim** when their employers do not pay them the wages or benefits they are owed. A wage claim starts the process to collect on those unpaid wages or benefits. California's labor laws protect all workers, regardless of immigration status.

**If you think you have been a victim of wage theft but are not sure if you want to file a claim**, please reach out to my District Office by phone during regular business hours: (619) 338-8090. Or by email at any time: [Assemblymember.Gonzalez @ assembly.ca.gov](mailto:Assemblymember.Gonzalez@assembly.ca.gov).

**In this email:**

- **What is wage theft?**
- **How to file a Wage Claim.**
- **How does the Wage Claim process work?**
- **Can an Independent Contractor file a Wage Claim?**

### What is wage theft?

**Wage theft can come in many forms**, including not receiving agreed upon wages or overtime, managers taking tips, or not being allowed to use paid sick leave. For more examples of wage theft, [click here](#) to visit the Department of Industrial Relations website.

### How to file a Wage Claim.

Once you have the name and address of your employer and [pay documentation \(if available\)](#), the next step in the process is to file a claim. You can file your claim by [email](#), mail or in person, download a claim form, complete and print it, attach applicable documents and mail to the Labor Commissioner's Office. The [claim forms](#) and instructions can be downloaded and printed in multiple languages.

**If you need help filing your claim**, visit or call a [Labor Commissioner's Office location](#) near you.

### How does the Wage Claim process work?

When a Wage Claim is filed, the Labor Commissioner's Office investigates the claim to determine if any wages or benefits are owed. In most cases, a settlement conference between the employee and employer is scheduled to resolve the issues.

If the issues are not resolved at the conference, a hearing is scheduled so a hearing officer can review the evidence and make a decision on the claim. If the hearing officer rules in your favor and the employer does not appeal the case, the Labor Commissioner will mail the Order, Decision, or Award (ODA) to the local Superior Court and it becomes a legal judgment. This judgment enables you to collect the award amount from your employer.

[Click here](#) to learn more about the wage claim process.

In many cases, an employer who has committed wage theft will try avoiding their obligations by closing their business and reopening under a new name. **This year, I've authored Assembly Bill 3075 to stop bad employers from cheating workers out of the pay they are owed** by requiring individuals to attest that they do not have outstanding wage judgments against them before incorporating a new business.

### **Can an Independent Contractor file a Wage Claim?**

The Labor Commissioner's Office has no jurisdiction over independent contractors, unless a worker is being misclassified as an independent contractor and cheated out of basic labor rights and guaranteed wages. **Last year, I authored the landmark state law called Assembly Bill 5 to make sure workers who have been misclassified as independent contractors can fight back.** If you believe your employer is misclassifying you as an [independent contractor](#), file a wage claim. The Labor Commissioner's Office may hold a hearing to determine if you are misclassified as an independent contractor.

**If you are a rideshare driver or other app-based worker**, [check out this webpage](#) from the grassroots organization Rideshare Drivers United for a simple form to help you through the process of filing a Wage Claim. Before filing your Wage Claim, answer these questions to help the process:

- How many hours do you drive / work for each day of the week? How many hours on a Monday? On a Tuesday?
- What is the greatest number of hours you have ever worked in one week? How often do you work that many hours?
- What is the least number of hours you have ever driven in one week? How often do you drive that many hours?
- All "App-On" time is considered work time. What do you think your weekly average is for "App-On" time?
- Estimate your monthly cell phone bill, car wash expenses, and other amenities you buy for your app-based job on a monthly basis. These numbers do not have to be exact.

**If you work in the garment manufacturing industry**, please [see this page](#) for how to file a garment worker Wage Claim.

My office is open to serve constituents of Mid-City and South San Diego County who may have questions on how to file a Wage Claim, or how to access other important state resources. **To speak to someone over the phone, contact my District Office during regular business hours, Monday-Friday: (619) 338-8090. To reach someone by email, contact [Assemblymember.Gonzalez @ assembly.ca.gov](mailto:Assemblymember.Gonzalez@assembly.ca.gov)**

You can find the latest information on a variety of available local and state resources [on my website](#).

Stay safe. We will get through this together.

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### **Have you been a victim of wage theft? File a claim.**

When workers are not paid the wages they have earned, they cannot pay their rent or cover their bills. Also during this pandemic, we are hearing stories of wage theft where workers who have been laid off have not yet received the last paycheck due to them. **Does this sound like something that has happened to you or someone you know?**

Today, I am making sure that you know that California workers have a right to [file a Wage Claim](#) when their employers do not pay them the wages or benefits they are owed. A wage claim begins the process to collect those unpaid wages or benefits. California law protects all workers, regardless of their immigration status.

**If you believe you have been the victim of wage theft, but are unsure about filing a claim**, please contact my District Office by phone during regular business hours: (619) 338-8090. Or you can contact me by email at any time: [Assemblymember.Gonzalez @ assembly.ca.gov](mailto:Assemblymember.Gonzalez@assembly.ca.gov).

**In this email:**

- **What is wage theft?**
- **How to file a Salary Claim.**
- **How does the wage claim process work?**

- **Can an independent contractor file a wage claim?**

### What is wage theft?

**Theft of wages can occur in many ways**, including not receiving agreed wages or overtime, managers who tip, or are not allowed to use their paid sick leave. For more examples of wage theft, [click here](#) to visit the website of the Department of Industrial Relations.

### How to file a Salary Claim.

Since you have the name and address of your employer and [payment documentation \(if available\)](#) , the next step in the process is to file a claim. You can file your claim by [email](#) , mail, or in person, download a claim form, complete and print it, gather the documents, and mail it to the Office of the Labor Commissioner. The [forms](#) and instructions relationship can be downloaded and printed in several languages.

**If you need help filing a claim**, visit or call [the office of a labor commissioner](#) near you.

### How does the Salary Claim process work?

When a wage claim is filed, the Labor Commissioner's Office investigates the claim to determine if any wages or benefits are due. In most cases, a settlement conference is scheduled between the employee and the employer to resolve the issues.

If the issues are not resolved at the conference, a hearing is scheduled so that a hearing officer can review the evidence and make a decision on the claim. If the hearing officer pleads in your favor and the employer does not appeal the case, the Labor Commissioner will send the Order, Decision, or Award (ODA) to the local Superior Court and it becomes a legal judgment. This lawsuit allows you to collect the award amount from your employer.

[Click here](#) for more information on the wage claim process.

In many cases, an employer who has committed wage theft will try to avoid your obligations by closing your business and reopening under a new name. **This year, I have written a 3075 Assembly bill to prevent bad employers from robbing workers of their owed wages** by requiring people who testify that they have no pending labor lawsuits against them before incorporating a New business.

### Can an independent contractor file a wage claim?

The Labor Commissioner's Office has no jurisdiction over independent contractors, unless a worker is misclassified as an independent contractor and misled by basic labor rights and guaranteed wages. **Last year, I wrote the landmark AB 5 state law to ensure that workers who have been misclassified as independent contractors can defend themselves.** If you believe your employer is misclassifying you as [an independent contractor](#) , file a wage claim. The Labor Commissioner's office may have a hearing to determine if you are misclassified as an independent contractor.

**If you're a rideshare driver or other application-based worker**, check out [this website](#) from the Rideshare Drivers United organization for a simple form to help you through the process of filing a wage claim. Before filing your Salary Claim, answer these questions to help the process:

- How many hours do you drive / work for each day of the week?
- How many hours on a Monday? A Tuesday?
- What is the largest number of hours you have worked in a week? How often do they drive for so many hours?
- All the time you have the app on, "App-On," is considered work time. What do you think is your weekly average for the time of "App-On"?
- Calculate your monthly cell phone bill, car wash expenses, and other amenities you buy for your app-based job on a monthly basis. These numbers do not have to be exact.

**If you work in the sewing industry** , [check out this page](#) or [this in Spanish](#) to learn how to file a wage claim for a sewing worker.

My office remains open to serve constituents of Mid-City and South San Diego County who have questions about this latest news and other important state resources. **To speak to someone on the phone, please contact my District Office during regular business hours, Monday through Friday: (619) 338-8090. To contact by email, contact: [Assemblymember.Gonzalez@assembly.ca.gov](mailto:Assemblymember.Gonzalez@assembly.ca.gov) .**

You can find the latest information on [a variety of state and local resources available on my website](#) .

Take care. Together we will overcome this.

Sincerely,



Lorena Gonzalez  
Assemblymember, 80th District

[visit MY WEBSITE](#)

[send ME AN EMAIL](#)

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**Capitol Office:**  
State Capitol  
PO Box 942849  
Sacramento, CA 94249-0080  
Tel: (916) 319-2080  
Fax: (916) 319-2180

**District Office:**  
1350 Front Street  
Suite 6022  
San Diego, CA 92101  
Tel: 619-338-8090  
Fax: 619-338-8099