

When does my employer have to pay me?

Your employer must pay you at least twice a month or very other week, at your request.

If I quit or am fired, when should I be paid?

If you quit or are fired, your employer must pay you on or before your next regular payday. Be sure your employer has an address to send you your paycheck.

What should I do if my employer does not pay me?

If your employer does not pay you on a regularly scheduled payday, you should first ask your employer in writing to give you your paycheck. Keep a copy of the letter. Try to follow whatever procedure your employer has for settling paycheck problems. If you still do not get your pay, you can file a wage claim with the Indiana Division of Labor, 402 West Washington Street, Rm. 195, Indianapolis, IN 46204-2287, (317) 232-2673. That office can help you get your pay, and they will not charge you any money. However, they can help you only if your employer owes you \$800 or less in wages. Benefits such as vacation pay, severance pay, holiday pay, telephone calls, mileage, etc. are not considered wages and cannot be

collected by the Division. You can get more information about this agency and even get a wage claim form by going to www.in.gov/labor/wagehour.

What will the Indiana Division of Labor do to get my money for me?

They will tell your employer to pay you your money. The employer will have a chance to explain why you have not been paid. Sometimes an official letter from the Division will make your employer give you your money. The office can sue on your behalf, or refer you to a private attorney.

What if the Indiana Division of Labor cannot help me?

You can sue your employer for your wages plus attorney fees and damages (up to 2 times the amount of unpaid wages). You can file a suit on your own in Small Claims Court. You can sue for up to \$3,000 in most small claims courts. (In Marion County, you can sue for up to \$6,000). If you are owed more than this, you will need to sue in Superior Court.

Do I have to have an attorney to sue for unpaid wages?

No, but it would be helpful. You may be able to get a private attorney to file a lawsuit for you without charging you a fee because your employer can be ordered to pay your attorney fees.

What if my employer refuses to pay me overtime?

You should file a complaint with the U.S. Department of Labor at 46 E. Ohio, Indianapolis, IN 46204, (317) 226-6783.

If my paycheck is for only part of what I am owed, can I cash it?

Yes, you can cash the check and still go after the unpaid wages. Cashing the check will not affect your right to be paid all of what is owed to you.

If I owe my employer money (or my employer says I owe money) can my employer keep my paycheck?

No. Your employer cannot refuse to pay you your wages to collect a debt unless you

have given your employer permission to do so.

What if my employer has overpaid my wages? Can my employer keep my paycheck now?

Your employer can deduct overpaid wages from your paycheck, but the employer must give you two weeks notice first and can only deduct up to 25% of your earnings after taxes and other deductions.

Am I entitled to unemployment benefits if I quit my job when my employer fails to pay me?

Yes, you should be entitled to unemployment benefits if you quit for this reason, because not being paid is a good reason to quit your job. However, before you quit you should try to fix the paycheck problem. Keep track of what you did to try to get your paycheck by writing down dates and names of people you talked to. Keep copies of all letters and notices.

What if my employer files bankruptcy?

If your employer owes you unpaid wages and files bankruptcy, you should file a claim in bankruptcy court. However, if

the employer has no assets, you still may not get your money.

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ILS Office Contact Numbers	
Bloomington: (812) 339-7668 1-800-822-4774	Hammond: (219) 853-2360
Columbus: (812) 372-6918 1-866-644-6407	Indianapolis: (317) 631-9410 1-800-869-0212
Evansville: (812) 426-1295 1-800-852-3477	Lafayette: (765) 423-5327 1-800-382-7581
Fort Wayne: (260) 424-9155 1-888-442-8600	New Albany: (812) 945-4123 1-800-892-2776
Gary: (219) 886-3161 1-888-255-5104	South Bend: (574) 234-8121 1-800-288-8121

Wage Claims:

What if my employer doesn't pay me?

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This is for information only. It is **NOT** legal advice. For legal advice, contact a private attorney or a lawyer at the nearest Legal Services Office.

Laws and Policies change. Please look at the last revised date to make sure the information is still current.

Information Available on the web
www.indianajustice.org

