

# United States Department of Labor Wage and Hour Division - We Can Help



The U.S. Department of Labor's Wage and Hour Division (WHD) is responsible for administering and enforcing some of the nation's most important worker protection laws. WHD is committed to ensuring that workers in this country are paid properly and for all the hours they work, regardless of immigration status.

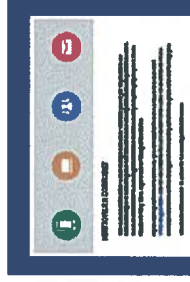
If you have questions or concerns, you can contact us at 1-866-487-9243 or visit [www.wagehour.dol.gov](http://www.wagehour.dol.gov). You will be directed to the nearest WHD office for assistance. There are WHD offices throughout the country with trained professionals to help you.



**Information You Need**



**Handy Reference Cards**



**Flyer**



**Investigative Process**



**Frequently Asked Questions**

## United States Department of Labor Wage and Hour Division - We Can Help

# How to File a Complaint



### Information You Need to File a Complaint

The information below is useful to file a complaint with WHD:

- Your name
- Your address and phone number (how you can be contacted)
- The name of the company where you work(ed)
- Location of the company (this may be different from where you worked)
- Phone number of the company
- Manager or owners name (who should we ask to speak to?)
- Type of work you did
- How and when you were paid (i.e. cash or check, every Friday)

Any additional information that you can provide such as copies of pay stubs, personal records of hours worked, or other information on your employers pay practices are helpful.

**All services are free and confidential, whether you are documented or not. Please remember that your employer cannot terminate you or in any other manner discriminate against you for filing a complaint with WHD.**

[Third Party Complaints](#)

[Additional Information for Nursing Mothers](#)

## United States Department of Labor Wage and Hour Division - We Can Help

# How to File a Complaint



## Additional Information for Nursing Mothers

If you are a nursing mother and would like to file a complaint concerning your break rights under the FLSA, Wage and Hour Division staff would benefit from additional information, such as the date of birth of your nursing child and a description of your concern (e.g., lack of reasonable time or adequate space for expressing milk while at work). Please refer to the [Wage and Hour Division's Nursing Mothers Webpage](#) to obtain additional information on this topic.



U.S. Wage and Hour Division

WHD

# We Can Help

## How to File a Complaint

U.S. Department of Labor, Wage and Hour Division

[www.wagehour.dol.gov](http://www.wagehour.dol.gov)  
(1-866-4-USWAGE)  
(1-866-487-9243)

For assistance contact us at

### Wage and Hour Workplace Issues Enforced by WHD

- Hours
- Wages
- Child Labor
- Overtime
- Recordkeeping
- Davis-Bacon
- Labor Law Enforcement
- Hours Worked
- Minimum Wage
- Prevailing Wages
- Construction
- Family Leave
- Service Contracts
- Government Contracts
- Farm Labor



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If you have questions or concerns, you can contact us at **1-866-487-9243** or visit **[www.wagehour.dol.gov](http://www.wagehour.dol.gov)**. You will be directed to the nearest WHD office for assistance. There are over 200 WHD offices throughout the country with trained professionals to help you. The information below is useful to file a complaint with WHD:

- Your name
- Your address and phone number (how you can be contacted)
- The name of the company where you work(ed)
- Location of the company (this may be different from where you worked)
- Phone number of the company
- Manager's or owner's name (who should we ask to speak to)
- Type of work you did
- How and when you were paid (i.e. cash or check, every Friday)

Any additional information that you can provide such as copies of pay stubs, personal records of hours worked, or other information on your employer's pay practices are helpful.

**All services are free and confidential, whether you are documented or not. Please remember that your employer cannot terminate you or in any other manner discriminate against you for filing a complaint with WHD.**

Should WHD not be able to assist you, every effort will be made to refer you to the appropriate agency or organization.

# United States Department of Labor

## Wage and Hour Division - We Can Help

### Third Party Complainant

Below is a detailed list of information that is helpful for a third-party complainant to contact the Wage and Hour Division (WHD) on behalf of someone else. While you may not be able to provide all the information listed, the more information you make available the better able WHD will be to address concerns raised.

#### **Employee Information**

- Your name
- Your address, if you have a separate mailing address also have that available
- Your telephone number, or a telephone number where you can be contacted and the best days and times to call you
- Your age and date of birth, if under 19
- Are you a current employee, a former employee, a representative of a current or former employee?

#### **Employment Information**

- How long have or did you work for your employer? When did you start? If you are no longer an employee, when did you leave?
- Are you classified as an employee or an independent contractor? Did you get an IRS Form-1099?
- What is your job or job title? What duties did you perform?
- Are you involved in any type of interstate transactions, such as shipping or receiving goods, producing goods, making telephone calls, processing credit cards, etc.?
- What is the problem? How long has the problem been occurring? Does this same situation apply to others, or just to you?

#### **Payroll and Hours Worked**

- How were you paid (salary, hourly, by piece or by job rate)? What is your rate of pay?
- How often are you paid (daily, weekly, every two weeks on the same day of the week, every other week, monthly, twice a month or semi-monthly)?
- Are there deductions from your pay for things other than federal and state taxes, social security or Medicare? i.e. uniforms, cash register shortages, breakage etc... ([See Fact Sheet #16 on deductions](#))

- Are you paid by check, direct deposit or in cash?
- Do you have pay stubs or other documents that show the problem (for example, pay stubs that show you being paid less than the minimum wage)?
- How many hours do you work per week on average? ([Fact Sheet # 22 on hours worked](#))
- Does your employer record your hours worked? Do you have a record of your hours worked?
- How are the records maintained? i.e. time cards punch in/out, time cards written, sign in/out sheet etc.... Are the hours worked records an accurate reflection of the hours you worked? Do you perform work prior to or after signing in/out?

### **Employer Information**

- Name of your employer, including a trade name
- Address of your employer (Number, Street, City, State, Zip Code)
- In what type of business is your employer involved? (Construction, retail store, manufacturing, restaurant, etc.)
- Does your employer have more than one location?
- If there is more than one location, can you identify other locations?
- Does your employer have a main office? Do you know where your employer's main office is?
- About how many employees work for your employer? Does the employer employ youth under 18 years old?
- Do you know what your employer's gross annual sales are? If not, can you estimate the approximate daily or weekly sales figures?

## United States Department of Labor Wage and Hour Division - We Can Help Frequently Asked Questions

### **Q: I don't think I'm being paid right. Can I file a complaint with the WHD?**

A: Yes. While there are many employees that may be exempt from some provisions of the law, an [employee covered by the FLSA](#) who provides information that demonstrates the probability that they have not been paid the required federal minimum wage of \$7.25 per hour effective July 24, 2009, or [overtime](#) (1½ times the regular rate of pay for hours worked in excess of 40 in a work week) may file a complaint with the Wage and Hour Division (WHD) of the U.S. Department of Labor.

### **Q: What If I'm not sure I want to file a complaint? Can I find out what my rights are?**

A: Absolutely! You can call or visit any [Wage and Hour Office](#) to ask about the laws or file a complaint. You can also call WHD's toll-free help line:

1-866-4USWAGE (1-866-487-9243)

TTY: 1-877-889-5627

Monday-Friday 8 a.m. to 8 p.m. Eastern Time

You may also call or visit the [local office near you](#) or send us an [e-mail](#).

### **Q: Does it cost anything to file a complaint?**

A: There are no charges to file a complaint or for the WHD to conduct an investigation. The Department of Labor is a federal agency and does not charge employees for its services.

### **Q: I haven't worked for this employer for a while. How long do I have to file a complaint?**

A: The FLSA contains a two-year statute of limitations (three-years for willful violations). This means that any part of a back wage claim which was earned more than two years before a federal court lawsuit is filed may not be collectible. To ensure we can complete our investigation before the statute of limitation expires, employees should file complaints with WHD as soon as possible.

### **Q: If I talk to someone at Wage and Hour, will it be confidential? I don't want to lose my job.**

A: All discussions with WHD are confidential. All complaints are confidential; the name of the complainant and the nature of the complaint are not disclosed. The only exceptions are: when it is necessary to reveal a complainant's identity, with his or her permission, to pursue an allegation; and when the WHD is ordered to reveal information by a court. You can find additional information about the investigative process at [Fact Sheet 44](#).

### **Q: What if I don't have all of the information you need? Do you have any suggestions?**

A: Here are a Few Suggestions

- If you don't have a permanent address, give us your cell phone number, or the number and address of a friend or family member who knows how to reach you.
- If you are not sure of the name of your employer, some suggestions are: take a picture with a cell phone or write down the license number of your employer's vehicle; do the same for any company names on the vehicle. Do the same for other employers on the job. If you get a paycheck write down all the information on the check before you cash it. If you can, make a photocopy of the check or take a picture of it. Make a note of your job location by writing down the address.
- If there is no record of your hours or pay, start keeping one. Every day you work, write down the time you start and the time you finish. Write down if you took time for a meal break and how long the break was. Write down every time you get paid, with the date and how much pay you received. You can call any [Wage and Hour Office](#) and ask them to send you free copies of our AWARE record keeping handbooks. You can get as many as you need; enough for you AND your co-workers.

### **Q: Not everyone on my job has a green card. If I complain about my pay, will workers be reported to Immigration? Is everyone who works entitled to the minimum wage?**

A: WHD will continue to enforce the FLSA and MSPA without regard to an employee's immigration status. No employer should have an unfair advantage because he employs undocumented employees and doesn't pay them. Look at the [Fact Sheet on Undocumented Workers](#) which is available in English Chinese, Korean, Spanish, Thai, and Vietnamese. It says the WHD will enforce pay for hours worked for covered, non-exempt employees.

### **Q: Some people on my job don't speak English and they want to talk to you.**

A: We Can Help! Some of our WHD staff are fluent in many languages. We also have available a language interpretive service which can assist with translation in more than 170 languages.

### **Q: Can you help me with my vacation pay?**

A: If your work was only covered by the FLSA, we can only help with the requirements of the FLSA.

There are a number of employment practices which the FLSA does not regulate. For example, the FLSA does not require:

- vacation, holiday, severance, or sick pay
- meal or rest periods (other than [breaks for nursing mothers](#))
- holidays off, or vacations



- premium pay for weekend or holiday work
- pay raises or fringe benefits
- a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees
- pay stubs or "W-2"s.

The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or for commissions in excess of those required by the FLSA. Also, the FLSA does not limit the number of hours in a day, or days in a week, an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old. However, some states do have laws covering some of these issues, such as meal or rest periods, or discharge notices.

The above matters, which are not covered by the FLSA, are generally by agreement between the employer and the employees or their authorized representatives.

If you worked on a federally funded construction, service or production contract, please contact us. We may be able to help with other labor requirements.