

Final pay laws and wage claim process

WAGES DUE UPON SEPARATION

If an employee is terminated, discharged or fired, all wages and commissions owed at that time are due upon separation or within 24 hours of the employee's demand for the wages.

If an employee leaves employment voluntarily (quits), all wages and commissions owed at the time of separation are due on the next regularly scheduled payday. If the next payday following the employee's last day of work is within five days of the employee's last day of work, then the employer will have until the pay period after that to issue all final wages. However, under no circumstances can the wages be paid any later than 20 days from the employee's last day of work. Employees who have quit and have not received their final wages within the required time period may also demand their wages.



PENALTIES FOR FAILURE TO PAY FINAL WAGES

Under Minnesota's laws, if the employer fails to pay final wages promptly, employees may collect the amount of the employee's average daily earnings for each day the employer is late in paying the wages, up to 15 days.

FILING A WAGE CLAIM WITH THE DEPARTMENT OF LABOR AND INDUSTRY

If an employee is unsuccessful in collecting final wages from their employer under the requirements listed above (24 hours if terminated, 20 days if quit), the employee can call the Minnesota Department of Labor and Industry to make a claim for wages and report the employer's violation of law.

If you have not received final wages from an employer after making a demand for wages, call Labor Standards at 651-284-5070 to file a wage claim. Have the following information ready:

- your name, address and telephone number;
- your former employer's name, address, telephone number and manager or owner's name;
- your last day of work;
- the date you demanded your final wages;
- the amount you are due in final wages (if unknown provide as accurate an estimate as possible); and
- the dates you worked for your former employer yet were not paid.

RIGHT TO PRIVATE ACTION

In addition to filing a wage claim with the Department of Labor and Industry, employees also have the right to file a private action in court.

If the amount of wages and penalties due equals \$15,000 or less, the employee may file in small claims court (conciliation court). Otherwise the employee must file in District Court.

For more information about filing a claim in court, visit www.mncourts.gov/selfhelp.



Labor Standards • 443 Lafayette Road N. • St. Paul, MN 55155

651-284-5075 • 800-342-5354 • 651-284-5099 (Spanish) • www.dli.mn.gov • dli.laborstandards@state.mn.us

Notice: This flier is a brief summary of Minnesota law. It is intended as a guide and is not to be considered a substitute for Minnesota Statutes regarding final pay laws.

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