



ACCESS CENTER SMALL CLAIMS A-Z

UNPAID WAGES

1. Where is your employer located? **If not located in San Francisco, was the work performed in San Francisco? If not, you may not file your case in San Francisco.**
2. Where did you perform work? **If in San Francisco, you can file in San Francisco.**
3. Were you an independent contractor or an employee? **If you were an employee, you can file a claim with the Labor Department instead of proceeding in small claims. Independent contractors are not allowed to file claims with the Labor Department.**
4. The law: **Plaintiff can ask for additional damages pursuant to California Labor Code section 203, which states that if an employer fails to pay the wages of his or her employee who has been discharged or who has quit, the wages of the employee will continue to accrue at the same rate and must be paid, but shall not continue to be paid to that employee after 30 days of accrual. An employee who refuses payment by the employer is not entitled to the benefit of payment under this section.**