



Using Small Claims Court to Recover Unpaid Wages

What is the minimum wage?

In 2021, the minimum wage in Washington State for most workers 16 years and older is \$13.69 an hour. For workers 14 and 15 years old, it is \$11.64 an hour. The minimum wage usually goes up every year.

❖ In Seattle, the minimum wage is \$16.69 an hour. In SeaTac, it is \$16.57 an hour.

- **Piece Rate Work:** Generally, if the employer pays you on a piece rate basis, your total weekly wages should average at least the minimum wage for all hours worked in the week.
- **Undocumented workers (workers without legal work permits)** also have the right to at least the minimum wage for hours worked.
- **Accepting Less:** An employer may not pay less than the minimum wage. It does not matter if you agreed to get less.
- **Hours Included:** You must get the minimum wage for all hours worked. This includes time the employer makes you spend waiting. **Examples:** time spent waiting for boxes, pick-up, weigh-in, and traveling between fields during the day. **There is an exception for hand harvesters.** The state law does not cover non-migrant farm workers who did piece-rate work in work the employer usually pays at a piece rate, if you worked fewer than 13 weeks in agriculture in the past calendar year.
- **Retaliation:** It is illegal for an employer to discriminate against or fire you for making a complaint about wages, filing a court case, or testifying about a wage claim. Read [Job Retaliation](#).

Can I get extra pay for overtime work?

Only for some agricultural work. You must get one and a half times the usual pay rate for any hours you worked over 40 hours in one week.

Farm workers generally have no right to overtime.

Packing shed workers generally **do** have the right to overtime.

Are the deductions on my paycheck legal?

Your pay stub must list and explain all salary deductions.

- Deductions for Social Security and taxes are legal.
- All deductions not legally permitted must be authorized (okayed) by you. You can do this orally or in writing.
- Any deductions an employer makes for housing, transportation, tools, or other items that make your wages lower than the minimum wage may be illegal.
- An employer cannot deduct money you owe them without your permission.
Example: You damage the employer's equipment. The employer must sue you in court. The employer cannot deduct from your wages.

How often must the employer pay me?

Generally, an employer must pay farm workers regularly and every two weeks.

If the employer deliberately fails to pay your wages on payday, you can collect *twice* the wages owed, costs of going to court, and attorney's fees. It does not matter if the employer cannot pay.

I am going to leave this job soon. When will I get my last paycheck?

Your employer must pay you all unpaid wages by the next regular payday.

My employer did not pay me the minimum wage. What can I do?

You can sue for the wages they owe you, the costs involved in going to court, and attorneys' fees.

It does not matter if the employer cannot pay you. The only defenses are

- The employer made a genuine mistake.
- The employer has a sincere disagreement about how much it owes you.

I am a farm worker. The employer did not pay me minimum wage or what they promised. What can I do?

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- ❖ If you are a farm worker who does not get your wages, see a lawyer right away. **See contact information at the end.**
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You can put a lien on the employer's crop and/or orchard. You must file the right paperwork within 40 days after you stop working. Then the packing shed must pay you before paying your employer. Talk to a lawyer right away. Read [Farm Workers: If the employer does not pay you, you may file a lien on the crop or orchard you worked.](#)

The employer did not pay the overtime I am entitled to. What can I do?

You can sue the employer. You can ask for wages owed, the costs of going to court, and attorney's fees.

The employer made illegal deductions to my paycheck. What can I do?

You can sue the employer. You can ask for wages owed, the costs of going to court, and attorneys' fees.

What court should I sue the employer in?

If the employer owes you less than \$10,000, you can sue in Small Claims Court. It can be a quick and cheap way to resolve things. Read [What is Small Claims Court](#). Our [How Do I Sue in Small Claims Court](#) packet has court forms and instructions.

I need more legal advice.

If you are a farm worker trying to get back wages, contact these offices:

NORTHWEST JUSTICE PROJECT:

Yakima

311 N. 4th Street, Suite
201
Yakima, WA 98901
(509) 574-4234
1-888-201-1018

Wenatchee

300 Okanogan Avenue, Suite 3-A
Wenatchee, WA 98801
(509) 664-5101
1-888-201-1021

COLUMBIA LEGAL SERVICES:

Yakima

600 Larson Building,
6 South Second Street
Yakima, WA 98901
(509) 575-5593
(800) 631-1323

Wenatchee

300 Okanogan Avenue, Ste 2-A
Wenatchee, WA 98801
(509) 662-9681
1-800-572-9615

Tri-Cities

7103 W Clearwater
Avenue Suite # C
Kennewick, WA 99336
(509) 374-9855
1-888-201-9735

DEPARTMENT OF LABOR AND INDUSTRIES:

Yakima

15 W. Yakima Ave. Ste 100
Yakima, WA 98902
(509) 454-3700
1-800-354-5423

Kennewick

4310 W 24th Ave
Kennewick, WA 99338
(509) 735-0100
1-800-547-9411

Moses Lake

3001 W. Broadway Ave.
Moses Lake, WA 98837
(800) 574-2285

Walla Walla

1815 Portland Ave.
Walla Walla, WA 99362
(509) 527-4437

Wenatchee

519 Grant Road
East Wenatchee, WA 98802
(800) 292-5920



www.WashingtonLawHelp.org

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If you think you need a lawyer and your local legal services office cannot help, look for a lawyer who will charge a reduced fee for your first meeting.

This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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APPENDIX: COURT LISTING

❖ **COVID-19 update:** call your court to double-check hours of operation. The information here may be subject to change due to the pandemic.

YAKIMA COUNTY SMALL CLAIMS COURT

ADDRESS: 128 N. 2nd Street Room 212, Yakima, WA 98901

HOURS: 8 a.m. to 4:30 p.m.

DIRECTIONS: The court is on the corner of Lincoln Ave. and South 2nd Street in Yakima. From I-82, take the exit for Yakima Ave. Turn right onto South 2nd. The court is on the corner of 2nd and Lincoln, on the left.

PHONE: (509) 574-1820

FAX: (509) 574-1851

MANDATORY PRE-TRIAL MEDIATION: Yes

SERVICE OF PROCESS: Must serve the defendant with the Notice of Small Claim *and a copy of instructions provided by the court clerk* at least ten days before the mediation conference.

INTERPRETERS: Free

SATISFACTION OF JUDGMENT: Must sign the bottom part of the Judgment form and file it with the court clerk when the judgment is paid.

FRANKLIN COUNTY SMALL CLAIMS COURT

ADDRESS: 1016 N. 4th Ave., Pasco, WA 99301-5019

HOURS: 8 a.m. to 4 p.m.

DIRECTIONS: The court is near the corner of 4th Ave. and Margaret Street. From 182, take the exit for Cort Street. Turn left onto Cort Street. Continue on Cort until 4th Ave. Take a right onto 4th Ave. The court is a big building on the right.

PHONE: (509) 545-3593

FAX: (509) 545-3588

MANDATORY PRE-TRIAL MEDIATION: No

INTERPRETERS: Free

SATISFACTION OF JUDGMENT: Must sign and file the form called Satisfaction of Judgment when the judgment is paid.

BENTON COUNTY SMALL CLAIMS COURT

ADDRESS: 7122 W Okanogan Place Bldg A, Kennewick, WA 99336

HOURS: 8 a.m. to 4 p.m.

PHONE: (509) 735-8476

FAX: (509) 736-3069

MANDATORY PRE-TRIAL MEDIATION: No

INTERPRETERS: Free

SATISFACTION OF JUDGMENT: Must sign and file the form called Satisfaction of Judgment with the clerk once the judgment is paid.

IMPORTANT INFO YOU NEED

EMPLOYER NAME _____

ADDRESS _____

PHONE _____

TYPE OF WORK _____

PLACE OF WORK _____

DATE WORK STARTED _____

DATE WORK FINISHED _____

OF HOURS WORKED PER DAY _____

PIECE WORK COMPLETED _____

WAGES PROMISED _____

WAGES RECEIVED _____

NAMES OF WITNESSES

